

**Human Rights and Equal Opportunity Commission**

**Annual Report 1988-89**

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**Human Rights Australia**

*President*

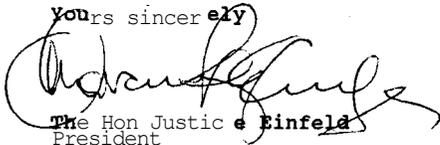
20 November, 1989

The Hon L F Bowen MP Deputy Prime Minister and Attorney-General Parliament  
House  
CANBERRA ACT 2600

Dear Attorney

I have pleasure in presenting the Annual Report of the Human Rights and Equal Opportunity Commission for 1988-89, pursuant to s.45 of the *Human Rights and Equal Opportunity Commission Act 1986*. The report has been prepared in accordance with the requirements of sub sections 25(6) and (7) of the *Public Service Act 1922*. A schedule detailing the location in the report of material relating to those requirements appears at Appendix 4.

Yours sincerely



The Hon Justice Einfeld  
President



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# Overview

The following is a brief overview of the major activities undertaken by the Human Rights and Equal Opportunity Commission during the twelve months beginning July 1988. A more detailed description of these activities and the role of the Commission follows in the body of the Report.

The Human Rights and Equal Opportunity Commission serves as the centrepiece of Australia's strategy to acknowledge and implement its international human rights obligations. In establishing an independent organisation aimed at promoting and protecting human rights nationally, Australia has joined a growing number of nations which have adopted similar strategies — including many European countries, the United Kingdom, the United States, Canada and New Zealand. The valuable role of such independent national institutions has been affirmed and encouraged by the United Nations.

Among the more notable features of the Commission's work in 1988-89 were the release of the Report of the Homeless Children Inquiry, the commencement of a National Inquiry into Racist Violence and the expansion of the Commission's role into the area of privacy protection.

Also significant was the Commission's very high success rate in resolving individual complaints by conciliation—despite an increase in the number of those complaints in 1988-89.

The charter of the Commission is to promote the acceptance and observance of 'human rights' and 'equal opportunity' (as defined in Federal law) in Australia. Public inquiries on issues of major concern are seen by the Commission as one of the most effective ways to achieve this objective.

An important test of this strategy was the release in February this year of the Report of the **National Inquiry into Homeless Children**.

The Inquiry's findings received extensive coverage around Australia, generated considerable public debate and prompted an encouraging initial response from some governments and from the community.

The final success of the Inquiry can only be measured by tangible improvements in the protection of our most vulnerable children. The Commission will therefore continue to monitor responses to the Report over the next twelve months. However, there is no doubt that the Inquiry has already produced significant results for homeless and 'at risk' children — in terms of the basic human rights Australia has undertaken to respect.

The **National Inquiry into Racist Violence** was announced in December 1988 following an apparent disturbing increase in organised racist violence in various parts of Australia.

While still in its early stages, the Inquiry has already attracted considerable community interest and debate. More than 100 written submissions had been received by 30 June 1989. Public hearings will be held in the second half of 1989, with the Report of the Inquiry due to be completed in early 1990.

The Commission's policy of monitoring the results of its public inquiries was reinforced this year with the release of the *Toomelah Review*. The Report of the **Toomelah Inquiry**, which investigated living conditions in Aboriginal settlements on the NSW-Queensland Border, was released in June 1988. The *Toomelah Review* documents a number of encouraging developments at Toomelah in the six months following the Report.

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The Commission took on major new responsibilities in January 1989 with the passing of the Privacy Act and the appointment of Australia's first Privacy Commissioner. The Act sets guidelines for the handling of personal information by federal government departments and agencies and the collection and use of Tax File Numbers. The initial tasks of the Privacy Commissioner have been to inform the community about their rights under the new legislation and to educate employers and federal public servants about their responsibilities and obligations.

Community education measures have included a Privacy Hotline, which had received over one thousand calls by 30 June, and the publication of brochures providing a simple guide to the Act. A training program for senior officers in the Australian Public Service was launched in May and planning is well advanced for a senior executive training program to begin in July.

A vital part of the Commission's work is the handling of individual complaints. The major policy objective in this area is to resolve complaints wherever possible through conciliation. This is an informal, confidential and comparatively low-cost alternative to litigation.

In 1988-89 formal requests for assistance from the Commission rose by 54%. Those matters accepted as complaints within jurisdiction rose by 12.5%. As in the previous financial year, some 97% of these were resolved without the need for a formal hearing. The average processing time per complaint was nine months, which compares more than favourably with the record of comparable bodies in Europe, the United States and Canada. (It also compares very favourably with litigation through the courts).

Detailed and comprehensive research continued to underpin much of the Commission's work in 1988-89. One of the most effective projects was a review of the superannuation exemptions in the Sex Discrimination Act. The Commission played a significant role in ensuring that part-time workers are able to gain access to superannuation funds.

A number of public awareness programs were either continued or initiated during the course of the year. They included pilot information projects directed towards immigrant women and women living in rural areas; promotion of the new privacy legislation and pilot projects aimed at developing effective strategies to improve race relations in the workplace. One of the Commission's major public awareness programs involved the draft United Nations Convention on the Rights of the Child, developed with the assistance of UNICEF and a number of key community organisations around Australia.

A central policy of the Commission is to work closely with a wide spectrum of community organisations on issues of common concern. This was particularly significant in 1988-89 in the area of disability.

In February, the Commission co-sponsored a symposium in Brisbane on schizophrenia with the Schizophrenia Australia Foundation. A report on the Rights of People with Disabilities, compiled for the Commission during 1988-89 by the National Council on Intellectual Disabilities, will be released later this year for further consultation. The rights of people with disabilities will be a major focus of the Commission's work in 1989-90.

Discrimination on the basis of age is another area in which the Commission has been consulting closely with representative community groups, including the Council on the Ageing and the Youth Affairs Council of Australia. Preparations have been completed for a major seminar, to be held in Melbourne in July 1989.

One of the most important functions of the Commission is to promote the protection of human rights in government legislation and policies. The Commission made submissions to a number of government inquiries in 1988-89 on issues ranging from the employment of people with disabilities to domestic violence, and participated in several other public initiatives including the national AIDS strategy, and the National Inquiry on Violence.

## *Overview*

In pursuance of the Commission's charter to promote understanding of human rights, all Commissioners undertook extensive speaking engagements throughout the year. A list of these appears at Appendix 1.

The central office of the Commission is located in the American Express Building, 388 George Street, Sydney 2000. Details of the Commission's regional offices appear in the section on Corporate Services and details of Commission agents appear in the Section on Cooperative Arrangements with the States.

# Human Rights and Equal Opportunity Commission

The Human Rights and Equal Opportunity Commission (HREOC) was established by the Australian Federal Parliament under the *Human Rights and Equal Opportunity Commission Act 1986* and began work on 10 December 1986.

## Objective

The Commission's objective is to promote the acceptance and observance of human rights and equal opportunity in Australia by developing public awareness of these rights through public inquiries, community education and individual complaint resolution.

## Charter and Functions

The Commission is a permanent independent statutory authority with responsibility for the following Acts of Parliament:

- *Human Rights and Equal Opportunity Commission Act 1986*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*

The *Privacy Act 1988*, which came into operation on 1 January 1989, is the responsibility of the Privacy Commissioner who receives assistance in the performance of his functions from HREOC staff.

These Acts give force to the following international instruments to which Australia is a party:

### Human Rights and Equal Opportunity Commission Act

- International Covenant on Civil and Political Rights
- Declaration of the Rights of the Child
- Declaration on the Rights of Mentally Retarded Persons
- Declaration on the Rights of Disabled Persons
- International Labour Organisation Convention 111 Concerning Discrimination in Respect of Employment and Occupation

### Racial Discrimination Act

- International Convention on the Elimination of All Forms of Racial Discrimination

## *Human Rights and Equal Opportunity Commission*

### **Sex Discrimination Act**

- International Convention on the Elimination of All Forms of Discrimination Against Women.

### **Privacy Act**

- Organisation for Economic Cooperation and Development (OECD) Guidelines on the Protection of Privacy and Transborder Flows of Personal Data.
- International Covenant on Civil and Political Rights (Article 17).

Broadly, the functions given to the Commission under Federal law can be divided into five major areas:

- complaint handling, conciliation and determination;
- reviewing Australian laws and advising the Government with respect to any new international human rights instruments;
- inquiring into infringements of human rights;
- consultation with government, trade unions, employers and non-government organisations on the implementation of human rights; and
- conducting research and educational programs.

The Commission reviews existing and proposed legislation for any inconsistency with human rights or for any discriminatory provision which impairs equality of opportunity or treatment in employment or occupation. It examines any new international instruments relevant to human rights in order to advise the Government of their consistency with other international treaties and existing Australian law. The Commission may also propose laws or suggest actions that the Federal Parliament should take on matters relating to human rights and discrimination.

The Commission also inquires into acts or practices that may infringe human rights or that may be discriminatory and, in the event that infringements are identified, recommends changes to remove them. It promotes public discussion to increase understanding of human rights and equality of opportunity and treatment. It also undertakes and co-ordinates research and educational programs to promote human rights and equality of opportunity.

Sections 11 and 31 of the Human Rights and Equal Opportunity Commission Act detail the full functions of the Commission. Schedule 1 of the *Privacy Act* 1988 amends the Human Rights and Equal Opportunity Commission Act to make the Privacy Commissioner a member of HREOC.

### **Commission Members and their Powers**

The Human Rights and Equal Opportunity Commission Act provides that the Commission consists of a President and separate commissioners for Human Rights, Race Discrimination, Sex Discrimination and Privacy. All members of the Commission are appointed by the Executive Council on the recommendation of the Government. Commissioners are responsible for handling complaints within their respective spheres, as well as performing a public role with regard to the legislation in their own areas.

## **The President**

This is a part-time position and has been filled since the Commission's establishment by the Hon. Justice Marcus Einfeld, a judge of the Federal Court of Australia. In parallel with his career at the Bar, Justice Einfeld has had a long involvement in human rights issues both within Australia and overseas.

## **Human Rights Commissioner**

Brian Burdekin was appointed in December 1986. Prior to this he had both a legal and diplomatic background, during which he represented Australia in Washington and Geneva and in a number of international negotiations. He has responsibilities in the areas covered by the five international human rights instruments listed above in *Charter and Functions*. He is also the executive head of the organisation, responsible for the day to day administration of the Commission

## **Race Discrimination Commissioner**

Irene Moss was also appointed as a Commissioner in December 1986. Her legal training had previously led her to work in the Federal Attorney-General's Department and the NSW Anti-Discrimination Board, where she was involved in a number of landmark cases concerning discrimination and infringement of human rights. As Race Discrimination Commissioner, she exercises certain statutory powers of inquiry, conciliation and settlement of race discrimination complaints under the Act. She also advises the Commission concerning its responsibilities and functions under the Racial Discrimination Act, and carries out many of those functions on behalf of the Commission.

## **Sex Discrimination Commissioner**

Quentin Bryce AO, who had previously been the Commission's Regional Director in Queensland, was appointed Sex Discrimination Commissioner in December 1987 and took up her appointment in February 1988. She has worked extensively in women's and children's issues at a national and state level. Ms Bryce was a foundation member of the National Women's Advisory Council (1978) and was appointed its Convener in 1983. In 1984 she established the Queensland Women's Information Service (Office of the Status of Women, Department of the Prime Minister and Cabinet) and was Director for three years. She was the women's representative on the National Committee on Discrimination in Employment and Occupation (ILO Convention 111 — 1983-86). In her present role, she has similar statutory powers to the Race Discrimination Commissioner in regard to the administration of the Sex Discrimination Act.

## **Privacy Commissioner**

Kevin O'Connor's background is in law and government, with extensive association with law reform and human rights issues. During his time with the Australian Law Reform Commission, he undertook research for that Commission's major report on Privacy. Prior to his appointment, he was Deputy Secretary in the Victorian Attorney-General's Department and Secretary to the Standing Committee of Attorneys-General. He has also been an Australian delegate to the United Nations Commission on Human Rights in Geneva, and a member of the working party on the draft Convention on the Rights of the Child. He was appointed as Australia's first Privacy Commissioner on 1 January 1989.

## *Human Rights and Equal Opportunity Commission*

### **Powers of the Commission**

The Commission is given certain powers by the enabling legislation (the Human Rights and Equal Opportunity Commission Act) so that it may discharge its responsibilities effectively. These include power to:

- conduct an inquiry as the result of a complaint, or of its own motion, or when the Minister so requests and to conciliate in the matter;
- decline an inquiry as the result of a complaint;
- require individuals to furnish information, produce documents or appear before it to give evidence (including on oath or affirmation);
- in certain circumstances, prohibit the disclosure of the identity of a person providing information, documentation or evidence.

The Commission can report to the Government on any matter arising in the course of its functions. With the approval of the Minister, it can establish advisory committees. It can delegate its powers and work with and consult appropriate individuals, government bodies and non-government organisations. The Commission is also empowered to:

- formulate guidelines for the avoidance by government of acts or practices that infringe human rights;
- intervene, with leave of the court, in legal proceedings which involve human rights matters and discrimination in employment;
- inquire, report, conciliate and educate in relation to the Discrimination (Employment and Occupation) Convention 1958 (ILO Convention 111).

Under the Racial and Sex Discrimination Acts, the Commission has further powers to inquire into any alleged unlawful act of racial discrimination or discrimination on the basis of sex, marital status or pregnancy following a written complaint or when it appears to the Commission that an unlawful act has been committed. The relevant Commissioner endeavours to settle the matter through conciliation.

The Privacy Act's two major concerns are protecting the personal information collected by Federal Government departments or agencies, and ensuring that Tax File Numbers are collected and used for tax-related purposes only. The Act lays down strict privacy standards that Federal Government departments and agencies must observe in collecting, storing and using personal information. The Privacy Commissioner can inspect the records of agencies and direct them to change their information handling practices to ensure that they follow certain Information Privacy Principles. He can also investigate complaints and award compensation if damage results from a breach of these Principles or of the Tax File Number Guidelines.

The Privacy Commissioner will produce a separate annual report on his activities since his appointment.

### **The Minister**

The Minister responsible in the Federal Parliament for the Human Rights and Equal Opportunity Commission is the Attorney-General, the Hon. Lionel Bowen MP. He has the following powers under the HREOC Act:

### *Annual Report 1988-89*

- to make, vary or revoke an arrangement with the States for the performance of functions relating to human rights or to discrimination in employment or occupation;
- to declare, after consultation with the States, an international instrument to be one relating to human rights and freedoms for the purposes of the Act;
- to establish advisory committee(s) to report to him on Australia's compliance with ILO Convention 111 or in regard to certain national policies relating to equality of opportunity and treatment in employment and occupation.

The Attorney-General also has the power to request the Commission to report to him on certain matters and to establish one or more committees to advise the Commission in relation to the performance of its functions. In addition he has the power to issue to the Commission a certificate that the disclosure of certain information or the contents of certain documents would not be in the public interest.

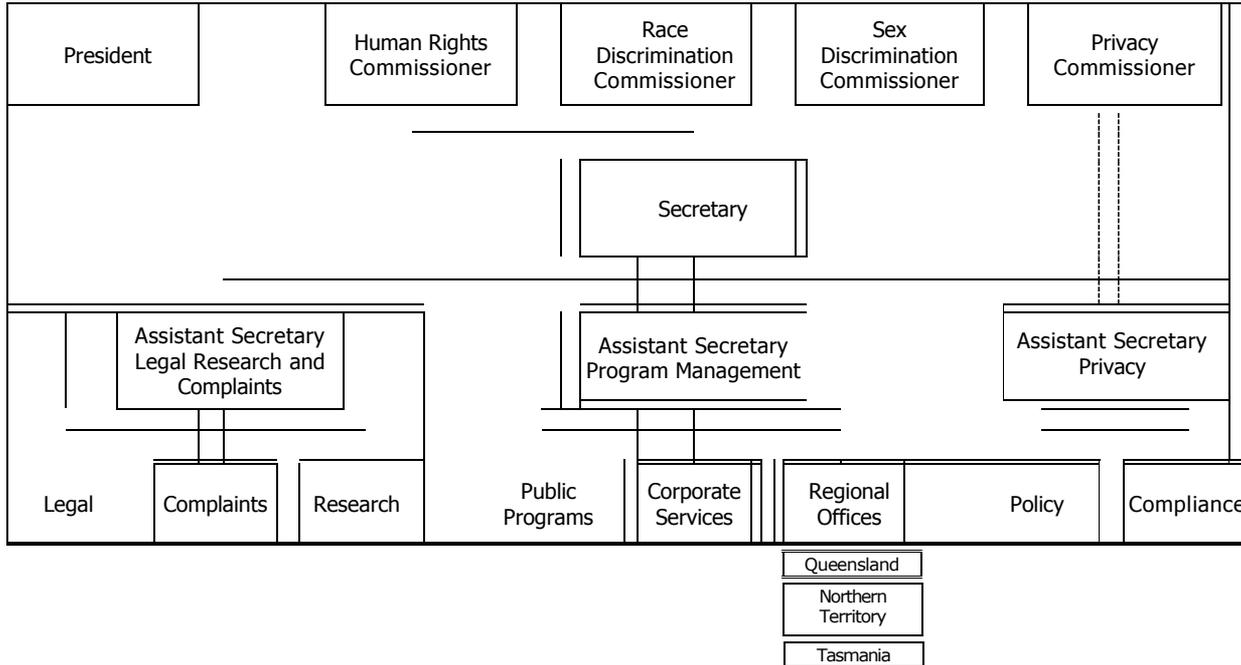
Under the Sex and Racial Discrimination Acts, the Attorney-General may:

- appoint people to participate in inquiries and determine the terms and conditions of such appointments, including their termination;
- refer any matter to the Commission for inquiry as a complaint;
- authorise Commonwealth assistance, under certain circumstances, to people who are parties to proceedings before the Commission.

The Minister also has a role under the Privacy Act, including receiving the Privacy Commissioner's reports to him about interferences with privacy or about proposed Federal legislation that may interfere with privacy. Under this Act, he can also consider applications for financial assistance and can issue certificates which prevent the disclosure of certain matters in the public interest.

**ORGANISATION  
CHART**

**Human Rights and Equal  
Opportunity Commission**



# Research and Legislative Review

## Research

The research section of the Commission, as one part of the Research, Legal and Conciliation Branch, works closely with other Commission staff and consultants in relation to public inquiries, research and seminars conducted by the Commission.

### Homeless Children

A major focus of research during the year was the Homeless Children's Inquiry. The preliminary research had been completed during 1987-88. During the second half of 1988 and early 1989 the research section was particularly involved in the analysis and compilation of material for inclusion in the Commission's report, published in February 1989 under the title *Our Homeless Children*. (This Inquiry is reported on in more detail in the section on Public Inquiries).

### Racial Discrimination Issues

In late 1988, preliminary research was commenced on the extent and nature of racist violence and on legislation against incitement to racial hatred. A National Inquiry into Racist Violence was launched in November 1988. More detailed research into the situation in Australia and other countries has commenced. It is proposed that the public and procedural aspects of the inquiry will be conducted during 1989-90.

The Commission has continued to take an active role in issues relating to immigrants of non-English speaking background. One member of the Commission's staff has participated in two bodies that have been reviewing procedures for the recognition of overseas qualifications and skills: the National Population Council produced a report for the Minister of Immigration, Local Government and Ethnic Affairs in December 1988, and the NSW Committee of Inquiry into the Recognition of Overseas Qualifications and Skills which reported to the NSW Premier in February 1989. Both reports propose significant changes in the way that people with overseas skills are processed in their country of origin and on arrival in Australia.

The 'Right to an Interpreter' project proceeded until the end of 1988 but was suspended when the Attorney-General's Department was asked by the Office of Multicultural Affairs to undertake research in this area. The Commission, by that time, had written to all Attorneys-General's Departments, as well as Ethnic Affairs Commissions, to collect statistics and information on policies.

### Sex Discrimination Issues

Work on amendments to the *Sex Discrimination Act* of 1984 has included an examination of the proposed changes regarding superannuation. The Commission has been heavily involved in discussing the proposed limited exemptions that are contained in the Bill to amend the Sex Discrimination Act. The Commission has also played a significant role in ensuring that part-time workers are not discriminated against in gaining access to superannuation funds.

## *Research and Legislative Review*

The review of the general exemption that currently exists in relation to insurance has been completed. With the assistance of a consulting actuary, the Commission has discussed options for change with a wide range of government and non-government organisations. A report will go to the Attorney-General in the near future.

A pilot information project on the Sex Discrimination Act was run in a number of communities in rural Queensland. Seminars were conducted to explain the scope and contents of the Act to women living in these areas, and a follow-up report on the particular problems facing women in isolated areas has been prepared.

### **Aboriginal Issues**

During the year, the Commission has engaged in activities involving the human rights of Aboriginal and Torres Strait Islander people. The Commission's Aboriginal Policy Adviser and other staff, particularly those in regional offices, travelled extensively to Aboriginal communities to investigate complaints, and to inform the communities about the National Inquiry into Racist Violence and other matters.

Following the recommendations of the Commission's *Report on the Problems and Needs of Aborigines Living on the NSW-Queensland Border* (known as the *Toomelah Report*), the developments and programs in the relevant towns were monitored. The Commission President paid a return visit in December 1988 and a follow-up report, the *Toomelah Review*, was released in March 1989. A video dealing with living conditions and other aspects of the Toomelah review was produced by Goorie Mabul, an Aboriginal media and production company. Further details appear later in this report under Public Inquiries.

In addition, a paper entitled 'The Influence of Government Policies on Aboriginal Demography: the Example of Toomelah', was presented at the Australian Population Conference in September 1988. The paper discussed the relationship between the political position of Aborigines and their socio-economic/demographic conditions.

A national research project on the supply of water to Aboriginal communities was advertised in February 1989. The Centre for Appropriate Technology based in Alice Springs in combination with Murdoch University (Western Australia) was the successful tenderer from a highly competitive field of candidates. The first stage of the project, a detailed investigation of a selected number of communities, will start in July 1989. The report will outline a number of options for improving the water supply situation in the communities studied.

Submissions were made to the NSW Government regarding the proposed repeal of the Aboriginal Land Rights Act 1983 and the government's policy of 'mainstreaming' services to Aboriginal people in New South Wales. In the Federal sphere, written and oral submissions were made to the House of Representatives Standing Committee on Aboriginal Affairs regarding the provision of support services to Aboriginal communities.

Submissions were made to the Federal Government on the proposed revision of International Labour Organisation Convention 107 concerning the rights of indigenous peoples. Comments were also made by the Commission on draft principles for inclusion in the Declaration on the Rights of Indigenous Peoples/Populations proposed by the United Nations Working Group on Indigenous Peoples.

Commission staff also commenced research into the provision of health and medical services to communities at Cooktown, Hopevale and Wujal Wujal in north Queensland following receipt of a number of complaints. This work will be continued in 1989-90.

In the past decade, relationships between indigenous people and the general community of which they form part have increasingly been regarded as a measure of national credibility. The

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Commission continues to regard Aboriginal affairs as a significant area where human rights and equal opportunity have yet to be achieved in Australia.

### Disability Issues

A major paper on *The Rights of People with Disabilities* was compiled by the National Council on Intellectual Disabilities (NCID) with support from the Commission to co-ordinate the collection of information from all States and Territories. The paper will form the basis of future activities aimed at protecting the rights of people with disabilities.

In other areas, the Commission has been active in promoting awareness among policy makers and the public of the importance of protection of human rights in order for strategies against AIDS to be effective. The Human Rights Commissioner continues to serve on the National AIDS Forum. He also participated in the Panel on Discrimination and other Legal Issues as part of the process of public consultation and policy discussion following the release of the Federal Government's Green Paper on a National AIDS Strategy. This process will culminate in the Federal Government's White Paper. Research staff provided support for these activities.

### Other Issues

The draft Convention on the Rights of the Child has also been a major focus of research. Australia played a leading role in the negotiations in which the draft convention was prepared. The Human Rights Commissioner was an adviser to the Australian delegation at meetings of the United Nations Working Group in January and November 1988.

Finally, the Commission has been considering the proposed Code of Practice for the lead industry being drafted by the Occupational Health and Safety Commission (Worksafe). This code is planned for release for public discussion in August 1989.

### Submissions

The Commission was requested to make submissions to a number of parliamentary and government inquiries during the year. These included the following:

- *Inquiry into the Legal Regimes of Australia's External Territories* (House of Representatives Committee on Legal and Constitutional Affairs). The Commission's submission to this inquiry identified serious human rights problems arising from the outdated legal regimes applying in the Territories of Christmas Island and the Cocos (Keeling) Islands. The submission recommended that reform be undertaken urgently in consultation with the communities involved.
- *Inquiry into the Employment of People with Disabilities* (Senate Standing Committee on Community Affairs). The submission focused on the need for greater access of people with disabilities to open employment. A series of recommendations was made covering the implementation of the *Disability Services Act* 1986, education and training programs, income support and the special needs of disabled women, Aborigines and people of non-English speaking background. The submission contained a comprehensive discussion of the treatment of people with disabilities by the Australian Public Service since 1973. It detailed the decrease in attention to people with disabilities since the abolition of the Commonwealth Public Service Board.
- *Inquiry into Access to Adoption Information* (NSW Legislative Council Committee on Social Issues) This submission sought to provide the Committee with information on, and

## Research and Legislative Review

analysis of, relevant human rights principles. (The Committee subsequently wrote to the Commission indicating that the submission had been most helpful.)

- *Queensland Domestic Violence Task Force* (Queensland Minister for Family Services and Welfare Housing). The Task Force was required to investigate the adequacy of existing laws and services to deal with the problem of domestic violence in Queensland. The Commission's submission focused on the need to ensure that victims of domestic violence, who are almost entirely women and children, should be guaranteed proper human rights protection. It was recommended that legal reform and extended service provision be undertaken in order to move towards the elimination of domestic violence and more effective family protection.

## Legislative Review

The Commission has continued its policy of giving priority of review to its own legislation in light of its experience over the previous twelve months and, in particular, the difficulties encountered in administering that legislation. It has considered the differences currently existing between the Acts it is responsible for administering and has prepared recommendations for consideration by the Attorney-General.

The Commission has considered whether the existing scheme of hearings in relation to sex and race matters is satisfactory from both the Commission's and the parties' points of view. At present the Commission hears and determines complaints but its determinations are not enforceable without a further hearing in the Federal Court. By way of comparison, the Privacy Act requires only one hearing to provide enforceable rights to a complainant who proves breach of an Information Privacy Principle by a Federal agency. The Commissioner's determinations in relation to Tax File Number complaints may be reviewed in the Federal Court.

The Commission has introduced a scheme for review of all Federal legislation as it is enacted as well as maintaining a continual review of Bills introduced to Parliament. Several matters raising significant human rights issues are under consideration to determine whether recommendations should be made to avoid inconsistencies with, or breaches of, human rights.

## Interventions and Exemptions

### Interventions

The Commission has continued to receive a steady flow of requests for intervention in legal proceedings. However, in the period under review, it has restricted the exercise of its intervention power by way of appearance to the matter of *In re a Teenager* (referred to in the 1987-88 Annual Report). On 29 September 1988, the Commission was also given the opportunity to make written submissions in a similar matter being heard by the Chief Justice of the Family Court in Melbourne. The case involved a child with a developmental disability for whom a hysterectomy was proposed. The Commission's submissions addressed all aspects of the child's rights.

One matter brought to the Commission's attention involved the possible miscarriage of justice in a criminal trial in Western Australia. It appeared from material made available by the spouse of a deceased person that elements of racism were significant factors in his death but that these elements were not brought before the Court at the subsequent hearing of charges for murder. The Commission was not asked to intervene in these proceedings until after the hearing had been completed and a decision given. However, the matter will be considered by the Race Discrimination Commissioner in the course of the National Inquiry into Racist Violence.

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The Commission made written submissions to two hearings concerning the rights of persons under the Mental Health Act of Victoria. It is also making submissions in the Parental Leave Case before the Australian Industrial Relations Commission.

### **Exemptions**

During the year, an application for exemption from the operation of the provisions of the Sex Discrimination Act was made by Pacific Dunlop Limited on behalf of a group of companies involved in the lead industry. However, the companies chose to withdraw their application before the matter was fully considered by the Commission.

The exemption granted in the 1987-88 year to Broken Hill Associated Smelters Ltd, a company engaged in the lead industry, was reviewed by the Administrative Appeals Tribunal. The Commission is attempting to monitor the steps taken by Broken Hill Associated Smelters to give effect to its proposed plan for addressing the existing inequality in the employment of women in the industry.

The Commission is also considering an application from the Australian Federal Police arising out of difficulties in employing women in its contingent of the United Nations peace-keeping force in Cyprus.

### **Financial Assistance**

Three requests for financial assistance were made under section 83 of the Sex Discrimination Act. In respect of all those applications the Commission recommended to the Attorney-General that assistance be provided.

# Public Inquiries

## Homeless Children Inquiry

The well-attended public hearings of the Homeless Children Inquiry concluded in 1988. Evidence presented included 160 written submissions, 2,000 pages of transcript from over 300 witnesses, and the results of seven specialised research projects that had been commissioned concurrently.

The final report, entitled *Our Homeless Children*, was forwarded to the Deputy Prime Minister and Attorney-General on 10 February 1989 and released publicly by the Human Rights Commissioner at the Commission's Sydney office on 22 February 1989.

The Report's findings must be a matter of deep concern not only for governments but for the entire Australian community. The findings and recommendations are too detailed to be adequately summarised in this report but they reveal the sobering fact that, at a conservative estimate, there are 20,000 to 25,000 homeless young people in Australia, including 8,000 to 9,000 aged between 12 and 15 years.

The Inquiry found that homelessness represents a personal tragedy for these children and the Report details the many ways in which our current responses, as a nation, fail to fulfil our international commitment to protect the rights of children. The evidence was that homeless children are being exploited, that very few are able to complete their education or find employment and that thousands have severe health problems, including mental illness and serious behavioural disorders. Homeless young people often turn to drugs and alcohol to escape their despair and many are reduced to crime and prostitution to survive. For many, their plight is so hopeless that they attempt suicide. Tragically, a number succeed.

The Report made 77 recommendations to Federal, State, Territory and local governments, the private sector and the community. They include an expansion of medium and long-term supported accommodation; the employment of detached housing workers to assist young people to live independently; and a greater emphasis on preventative services, particularly in the provision of trained counsellors who can assist families and young people in the process of reconciliation, where appropriate. Increased income support measures and an overhaul of the eligibility requirements for income support are also recommended.

The problems of drug and alcohol abuse feature prominently in the lives of homeless youth and the Inquiry recommended that State, Territory and local governments undertake an investigation into the need for accommodation and therapeutic residential programs for adolescent substance abusers.

Other recommendations addressed the operation of the Commonwealth-State Housing Agreement, health needs and services, legal needs and services, the role of the education system in youth homelessness, and the need for a new youth accommodation and support services program which could begin to address the integration of services and coordination between the various funding bodies and service providers.

The Report's release received widespread publicity that has been sustained around Australia for several months. The work of the Commission in this area was highlighted in May with the screening of the ABC's television documentary, *Nobody's Children*. The community response to the documentary was quite extraordinary, with the ABC reporting that its switchboard was

## *Annual Report 1988-89*

jammed for hours following the screening. The Human Rights Commissioner, Hearing Commissioners and Inquiry staff have been involved in over one hundred meetings around the nation. The response from many sectors of our community — including churches, community service clubs and the private sector — has been extremely encouraging.

When the Commission was established, it made a commitment to produce practical reports that would give real meaning to human rights obligations. This Report alerted the community to the desperate needs of our most vulnerable children.

The Inquiry will be reconvened later in 1989 to assess what progress has been made on the findings and recommendations. Some steps have already been announced. The Commission is hopeful that further practical and substantial assistance will be forthcoming from all levels of government, community groups and the private sector.

## **National Inquiry into Racist Violence**

Following an apparent disturbing increase in organised racist attacks in different parts of Australia, the Commission resolved in November 1988 to conduct a National Inquiry into Racist Violence. Its terms of reference are to inquire into:

1. Acts of violence or intimidation based on racism directed at persons, organisations or property.
2. Acts of violence or intimidation directed at persons or organisations on the basis of their advocacy of, support for, or implementation of non racist policies, including violence or intimidation intended to deter such advocacy, support or implementation.
3. Current or prospective measures by government or government instrumentalities to deal with the above matters.

The Inquiry is headed by Race Discrimination Commissioner Irene Moss, assisted by Mr Ron Castan QC. Mr Castan has had a close involvement with civil liberties and Aboriginal affairs, having been president of both the Victorian and Australian Councils for Civil Liberties, and having helped establish the Victorian Aboriginal Legal Service and the Victorian Aboriginal Cultural Heritage Trust.

The Inquiry was announced in December 1988 at a time when community concern about violence in general had led to the establishment of two other major inquiries. The Australian Broadcasting Tribunal was investigating violence on television, while the National Committee on Violence had much broader terms of reference. Cooperative arrangements with the National Committee on Violence were established for the purposes of the Inquiry, which also resolved not to cover matters under consideration by the Royal Commission into Aboriginal Deaths in Custody.

As the first stage in the process of gathering information on racist violence, the Commission invited written submissions to the Inquiry. The closing date for submissions was originally 31 May 1989, but this was extended to 31 July to allow maximum public participation. By 30 June 1989, over 100 written submissions had been received. At the same time, development of a research program was nearing completion. In the 1989-90 financial year there will be a series of public hearings, further research and finally the report of the Inquiry.

Prior to the Inquiry, the Race Discrimination Commissioner had had a number of representations from community groups regarding racist violence, a subject largely unacknowledged by the general public. The announcement of the Inquiry was supported by a wide variety of community groups, including the Federation of Ethnic Communities Councils of

## *Public Inquiries*

Australia. Community awareness was assisted by an outreach campaign to inform people of the aims of the Inquiry and to encourage participation.

### **Toomelah Inquiry**

The report of the Commission's Inquiry into the problems and needs of Aborigines living in towns on the NSW-Queensland border (the *Toomelah Report*) was released in June 1988. Since that time, the Commission has continued to monitor developments and in March 1989 released a follow-up report, the *Toomelah Review*.

Progress at Toomelah and Boggabilla is very encouraging. Much work has been done by State, Federal and local governments to improve the living conditions of the residents of Toomelah in particular.

A TAFE college is operating in temporary premises at Toomelah, to be replaced by a permanent college at Boggabilla next year. A fully equipped health clinic is under construction at Toomelah. There has been a significant increase in permanent or regular employment, especially amongst the men. A market garden and a town shop are in operation at Toomelah.

There is still a considerable way to go before the Aboriginal people of this district will enjoy full equality of opportunity and there are still many problems to be resolved, but the Commission is pleased with the progress which has taken place. The improvement in the morale and self esteem of the Aboriginal people, and their self help responses to the work that has been done, provide an encouraging prototype for similar developments elsewhere in Australia.

# Complaint Handling

## Overview

This year has seen a significant increase in the number of complaints handled by the Commission. In 1988-89 the Commission received a total of 1,977 written requests from people seeking to lodge complaints under the legislation the Commission administers. This represents a 54% increase compared with the previous year's total.

Complaints under federal legislation are handled in one of three ways — by the Commission's central office in Sydney; its regional offices in Brisbane, Hobart and Darwin; or by State agencies in NSW, Victoria, South Australia and Western Australia.

The conciliation process continues to work very successfully, with the overwhelming majority (97%) of cases being settled without referral for a formal hearing. In some cases, conciliation staff were still able to intervene and settle the matter just prior to referral and in Queensland on five occasions, just after referral but before the matter was actually heard. This saved the Commission, the complainant and the respondent the expense and anxiety of a lengthy hearing process.

The past twelve months have seen significant amounts of money (in excess of \$50,000) settled as compensation, both in the sex discrimination and racial discrimination areas. The agreement of parties to pay significant compensation outside a formal hearing mechanism is a further indication of the effectiveness of conciliation and the increasing community awareness of unacceptable conduct.

The following tables, comparing the current figures to those of the previous year, reflect the fact that only limited statistics and incomplete figures were available from the New South Wales Anti-Discrimination Board at the time of writing. It is also necessary to exercise caution in differentiating between formal complaints and other written enquiries. Both categories are dealt with by complaint handling staff but the data and procedures for handling 'complaints' and 'enquiries' differ.

## Complaints received

As Table 1 shows, a total of 894 new complaints within the jurisdiction of one or other of the Acts the Commission administers were received during 1988-89. This figure represents a 12.5% increase on the total national figure for the previous year of 713 complaints. The complaints falling into the jurisdiction of the Privacy Act were relatively small in number (21 cases or 2.3% of the total) but there are two explanations. First, the Privacy Act only came into force on 1 January 1989 and thus only six months' figures are available for this report. Second, the Privacy Act is not yet as familiar to the general public as the other three Acts administered by the Commission and breaches of that Act may as yet be unreported.

Figure 1 shows that complaints lodged under the Sex Discrimination Act accounted for 64.3% of all complaints (a slight increase compared with last year), with Racial Discrimination Act complaints down just slightly in overall percentage terms to 27.3% and Human Rights and Equal Opportunity Commission Act complaints down to 6.1% (from 9% last year).

Complaint Handling

Table 1

**New Complaints Received**  
July 1, 1988 - June 30, 1989

	Central Office	QLD	NT	TAS	NSW	VIC	£4	WA	Total
<b>SDA</b>	25	97	22	27	106	84	192	27	575
<b>RDA</b>	23	56	9	3	27	23	95	8	244
<b>HREOC</b>	47	-	2	5	-	-	-	-	54
Privacy*	21	-	-	-	-	-	-	-	21
<b>Total</b>	116	153	33	35	133	107	287	35	894

\* N.B. Privacy cases represent 6 months figures only (1/1/89 - 30/6/89)

The South Australian figures detailed in Table 1 show a significantly higher proportion of complaints received in comparison to other offices. This may be explained by that State's method of recording information about complaints. The Commission has been working with each State agency to bring about a uniform approach and such marked discrepancies should not occur in subsequent reports.

**Complaints closed**

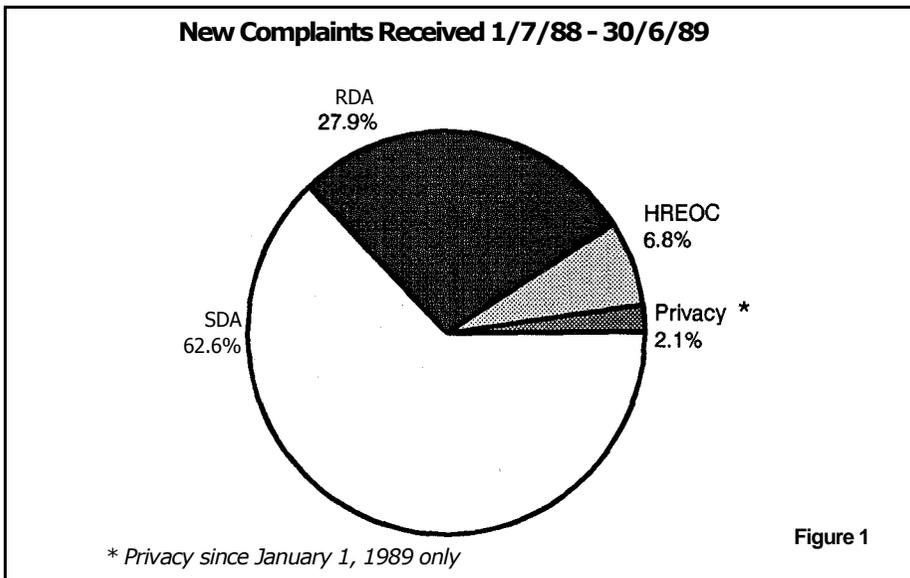


Table 2 shows that a total of 628 cases were finalised during the year, a marked decrease on the closure rate achieved in 1987-88 when over 800 complaints were finalised. This unfortunately leaves a heavy backlog for the new year. A number of factors account for this decrease, the main one being that last year's figure was exceptionally high because the Commission, as a concerted policy, finalised a review of all cases carried over from its predecessor body, the Human Rights Commission. The problem was exacerbated by staffing difficulties, especially a relatively high turnover of conciliators.

Table 2

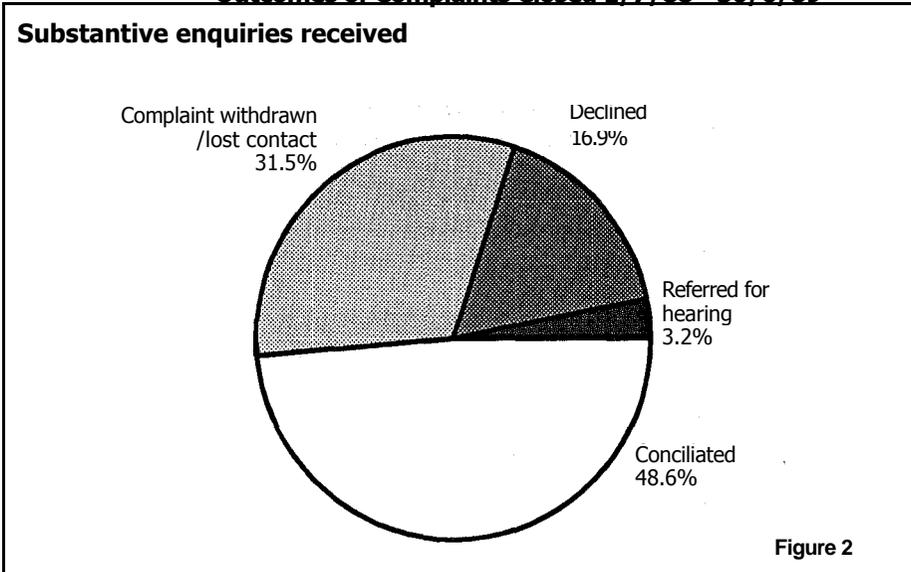
**Cases Closed**  
July 1, 1988- June 30, 1989

	Central Office	QLD	NT	TAS	NSW	VIC	.5,4	WA	Total
SDA	21	90	19	28	36	35	145	20	394
RDA	22	60	11	3	9	12	51	7	175
HREOC	44	-	9	4	-	-	-	-	57
Privacy*									
Total	89	150	39	35	45	47	196	27	628

\*N.B. Privacy cases represent 6 months figures only (111189 - 3016189)

Of all cases closed, 80% were considered to be successfully conciliated with a mutually agreed settlement or the complaint being withdrawn (Figure 2). Only 3.2% of cases needed to be referred for hearing, the most expensive and traumatic way of reaching a settlement. The Commission declined 16.9% of the cases referred to it, as it was felt that those cases could not be substantiated. These figures are comparable to last year's, with a marginal increase in the numbers of cases being declined or referred for hearing, balanced by a small drop (3%) in the number of conciliations. The outcomes for each office or agency are shown in Table 3.

**Outcomes of Complaints Closed 1/7/88 - 30/6/89**



There are a number of written enquiries received by the Commission which, on examination, are found not to fall within the jurisdiction of the complaint handling provisions of any of the Acts administered by the Commission and which, as a result, cannot be conciliated through the normal processes. These enquiries are referred to in the Commission as being Not under the

*Complaint Handling*  
**Table 3**

**Outcomes**

**Total Complaints Closed July 1, 1988 - June 30, 1989**

	<i>Central Office</i>								
	<i>QLD</i>	<i>NT</i>	<i>TAS</i>	<i>NSW</i>	<i>VIC</i>	<i>SA</i>	<i>WA</i>		<i>Total</i>
<b>Conciliated</b>	34	44	9	15	25	16	140	16	299
<b>Complaint withdrawn/ lost contact</b>	15	69	18	11	17	20	44	9	203
<b>Declined</b>	37	25	12	9	3	9	9	2	106
<b>Referred for hearing</b>	3	12*	0	-	-	2	3	-	20
<b>Total</b>	89	150	39	35	45	47	196	27	628

*\* 5 of these cases were conciliated after referral but before hearing commenced*

**Act' (NUA).** In these cases, it is often time-consuming to determine their status and refer complainants to another department or agency to rectify the grievance. Some cases, although NUA, raise a matter of policy which the Commission pursues through channels other than its conciliation function. Most of the NUA enquiries are made under the Human Rights and Equal Opportunity Commission Act; only 3% are made under the Sex Discrimination Act and 4% under the Racial Discrimination Act.

In the period from 1 July 1988 to 30 June 1989, over 1,100 NUA written enquiries were received by the Commission's central office and its three branches in Queensland, Northern Territory and Tasmania. Almost one-half (482) of those enquiries were received in central office and approximately one-quarter of those (120) were about the new Privacy Act. This is a significant increase on last year's figure of 572 written enquiries and has obvious implications for the resources needed to handle this two-fold increase.

A breakdown of the 482 NUA enquiries received in central office is shown in Table 4 to demonstrate the range of categories about which enquiries are made.

## **Human Rights and Equal Opportunity Commission Act**

Table 5 shows 47 complaints were lodged under the Human Rights and Equal Opportunity Commission Act (HREOC Act) at the Commission's head office during the year. It is valid to compare them with last year's figures because all complaints under this Act are dealt with in central office. Despite the decrease in the number of formal complaints from last year's total of 68, there was no diminution of work because of the great increase in NUA enquiries as detailed above. The Commissioner had to deal with a number of complaints at a policy level, including several cases which named respondents whose actions did not constitute 'acts or practices of the Commonwealth' (as specified by the legislation).

It is important to note that many of the cases investigated and conciliated within the HREOC Act's jurisdiction, were 'representative complaints'. Consequently, the positive outcomes achieved in settlements affected hundreds, if not thousands of people. For example, one complaint against a very large Commonwealth agency resulted in the abolition of systemic discrimination against people with disabilities, which had been occurring for some time.

Compared with last year's figures, the proportion of complaints lodged under each of the relevant United Nations instruments remained the same, with most complaints falling into the area of the International Covenant on Civil and Political Rights or the Declaration on the Rights of Disabled Persons. As previously, most complaints involved employment issues,

Table 4

**Categories of NUA Enquiries Received  
Central Office**

**July 1, 1988 - June 30, 1989**

Misconceived	45
Race related	41
Immigration	36
Employment (conditions, problems)	33
Sex related/gender issues	29
Prisons/prisoner's rights/policing	28
Family law/legal and justice system	25
Disability	20
ICCPR related	16
Age discrimination	9
Welfare/housing	8
Health and medical services	7
Mental illness	5
Religion	5
Education	5
AIDS	1
Miscellaneous - including local government, children's rights and referrals to agencies	49
Privacy	120
<b>Total</b>	<b>482</b>

followed by imm'gration (see Figure 3). In both these major complaint areas disability issues figured prominently. The Commission has expressed its concern about this situation publicly and made a number of submissions to various committees and departmental heads.

All but one of the respondents to complaints lodged under the Human Rights and Equal Opportunity Commission Act were Commonwealth departments, corporations or authorities.

The following case studies are included to illustrate the variety of complaints lodged and acted upon.

Complaint Handling

Table 5

**Complaints Lodged under the HREOC Act**

July 1, 1988 - June 30, 1989

*Relevant United Nations Instruments*

International Covenant on Civil and Political Rights	23
International Labour Organisation Convention 111	1
Declaration on the Rights of Mentally Retarded Persons	
Declaration of the Rights of the Child	1
Declaration on the Rights of Disabled Persons	22
<b>Total</b>	<b>47</b>

*Area of Complaint*

Employment	26
Immigration	15
Access to goods and services	2
Education	1
Civil Rights in general	3
<b>Total</b>	<b>47</b>

*Category of Complainant*

Males	25
Females	14
Group/Organisation	5
Not provided	3
<b>Total</b>	<b>47</b>

*Category of Respondent*

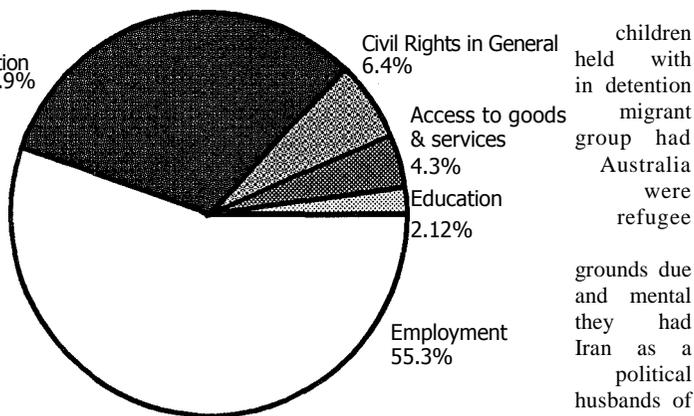
Commonwealth Authority	46
Other	1
<b>Total</b>	<b>47</b>

**Area of Complaint of those lodged under HREOC Act**

**Figure 3**

**Case 1**

Eight Iranian children were being held with their mothers in detention at a Victorian migrant group centre. The children had entered Australia illegally and were seeking refugee status on humanitarian grounds due to the physical persecution they had suffered in Iran as a result of their political loyalties. The women were imprisoned in Iran because they had once held senior positions in the Iranian army.



A community agency lodged a complaint on behalf of the eight children who were being denied access to schooling and other facilities whilst in detention at the centre. The complaint raised a number of important issues in relation to the principles set out in the Declaration of the Rights of the Child. Under this Declaration the child is afforded rights to education and special protection to enable his or her physical, mental and social development in a healthy and normal manner.

Following various representations by the Commission and other parties, the children were granted permission to leave the detention centre and attend school until such time as a decision was made in relation to their Australian residency. The Commission decided that it would continue to monitor the policy issues in relation to the detention of children as illegal immigrants to ensure compliance with the relevant principles under the Declaration of the Rights of the Child.

**Case 2**

A complaint was lodged by an employees' association on behalf of its members with disabilities alleging that a disabled persons' scheme administered by a major corporation was discriminatory.

The scheme provided that persons with disabilities were only entitled to be appointed as temporary staff, thus making them ineligible for benefits available to permanent staff, including rights of transfer and promotion. The complainant also alleged that the corporation fixed the

## *Complaint Handling*

salaries of those employees as a percentage of other employees' salaries on the assumption that the output and productivity of staff with disabilities would be less. Appointment to the permanent staff could only be obtained by sitting an entrance examination which failed to take into account the needs of such examinees.

The matter was successfully conciliated with the two parties agreeing to an 'on-the-job' review of all staff with disabilities employed under the disabled persons' scheme. This review included an analysis of duties, job satisfaction, work progress and scope for career development. It also appraised the special needs of each employee with a disability in relation to access to training and the provision of physical aids. A specialist consultant was appointed to assist the review and to recommend changes in areas such as job design. It was also agreed that the consultant would advise on the development of management and staff training programs relevant to these employees, and that consideration would be given to additional measures for persons with disabilities.

### **Case 3**

A social work student with a visual impairment applied for a student placement at a rehabilitation centre in order to carry out the fieldwork studies necessary for the university course he was taking. Just before starting his placement, the young man alleged he was contacted by the centre and informed, without explanation, that he was unsuitable for the position. When the reasons for his unsuitability were requested, he was told that caseworkers at the centre needed to be able to assist their clients in practical ways, such as assessing accommodation and providing sensitive counselling to clients trying to adjust to their disability.

The young man lodged a complaint with the Commission claiming that he had been discriminated against on the grounds of his disability. The case was satisfactorily conciliated with the respondents guaranteeing to implement a revised policy regarding placements for students with disabilities. The service agreed that special arrangements should be made for such students seeking placement at the rehabilitation centre, and that better procedures in general were required to facilitate the intake and training of students with disabilities. The complainant was also given an assurance that his future employment prospects with the rehabilitation service would not be affected by the lodging of his complaint.

### **Case 4**

A 24-year-old Filipino woman applied for permanent residency in Australia. She had been adopted as a small baby into a Filipino family and was considered in every respect to be a family member even though no formal adoption procedure had been carried out. The members of the woman's family were all given approval for permanent residency in Australia. However, the woman herself was refused because she was not regarded as a member of the family for immigration purposes. She lodged a complaint with the Commission alleging that this refusal amounted to a breach of her human rights — in particular those provisions of the human rights treaties to which Australia is party which recognise the family as the fundamental unit of society. A review of the circumstances of her case and of the general policy applicable to informal adoptive relationships was conducted. Approval was finally granted enabling her to take up Australian residency along with her other family members.

### **Case 5**

The complainant was a post-polio quadriplegic, confined to a wheelchair, with no use of her left hand and not enough strength in her right hand to enable her to write legibly. She was involved in the sport of baton-twirling as a coach and a judge, and as a voting delegate of a baton-twirling club.

To help her note the proceedings at club meetings, she purchased a tape recorder. However, two other delegates refused to allow her to tape an association meeting, although they themselves

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made written notes throughout. One delegate compromised by offering to allow the motions of the meeting to be taped. The complainant stated that one of these two delegates had previously tried to disadvantage her by not letting her use an amanuensis at a coaches' examination; and that the other had herself used a tape recorder at meetings in the past with no interference.

The woman lodged a complaint and correspondence ensued between the Commission, the complainant, the respondent-delegates and the association's secretary. The matter was successfully settled without the need for a conciliation meeting.

## **Sex Discrimination Act**

Table 6 sets out details of the 575 complaints lodged under the Sex Discrimination Act. This represents a marked increase in comparison to the 440 complaints lodged under this Act last year. Table 6 also shows a consistency with last year in regard to both ground and area of complaint. Women continue to outnumber men in utilising this legislation and their predominant area of complaint relates to employment. 79% of complaints were lodged on the grounds of sex and sexual harassment, with the remainder lodged on the grounds of pregnancy and marital status.

Central office figures show that the Commonwealth has been named in 17 cases this year (compared with 10 a year ago) — an increase that has been paralleled in telephone enquiries and other informal complaints. This appears due in part to cutbacks in resources for EEO programs in Commonwealth agencies. Apparently, a number of complaints which would formerly have been handled internally by EEO officers have, in the past twelve months, been referred to the Commission instead.

Although complete statistics were unavailable from NSW, informal discussions with the NSW agency have revealed a large increase this year in the number of complaints lodged in that State on the grounds of pregnancy. There has also been a large increase (nearly 100%) in Queensland, and smaller increases in South Australia, Victoria and Western Australia in complaints on the same ground. Acting on the unpublished data, the Sex Discrimination Commissioner has recently started a program to provide employers with clear guidelines about pregnancy. (This is further discussed in the section on Promotion of Human Rights and Equal Opportunity.)

The following case studies illustrate typical examples of complaints lodged under the Sex Discrimination Act and their outcomes.

### **Case 1**

A woman working part-time as a kitchenhand alleged that she told her supervisor of her pregnancy. A short time later, while the work premises were closed for vacation, the woman miscarried but returned to work as normal when the premises reopened. The woman's supervisor offered her less work than previously on the grounds that she should not work if she was trying to become pregnant again. The woman complained to the executive officer who directed the supervisor to employ the woman on the same basis as before. The supervisor's refusal to do this led to the woman lodging a complaint with the Commission alleging a lack of equal opportunity.

The matter was successfully conciliated when the supervisor agreed to offer relief shifts as they became available and to pay an amount of compensation.

Complaint Handling

Table 6

**Complaints Lodged under the Sex Discrimination Act**  
July 1, 1988- June 30, 1989

Category of Complaint	Central								* Total
	Office	QLD	NT	TAS	NSW	WC	SA	WA	
Sex	3	48	9	8	-	16	74	17	175
Sexual harassment	-	26	7	4	-	32	81	-	150
Sex & Sexual harassment	8	-	-	8	-	1	7	-	24
Marital status	7	9	5	5	-	5	12	3	46
Pregnancy	2	13	•	2	-	21	12	2	52
Other	-	1	1	-	-	9	6	-	17
<b>Total</b>	<b>25</b>	<b>97</b>	<b>22</b>	<b>27</b>	<b>106</b>	<b>84</b>	<b>192</b>	<b>22</b>	<b>575</b>

Area of Complaint	Central								* Total
	Office	QLD	NT	TAS	NSW	VIC	SA	WA	
Employment	20	77	20	22	-	83	141	12	375
Accommodation	-	1	-	1	-	-	9	-	11
Goods/Services/Facilities	3	8	1	3	-	-	18	4	37
Clubs	2	3	-	1	-	1	8	-	15
Commonwealth law programs	-	-	1	-	-	-	4	-	5
Education	-	3	-	-	-	-	1	1	5
Application forms	-	-	-	-	-	-	3	-	3
Land	-	-	-	-	-	-	-	-	-
Advertising	-	-	-	-	-	-	8	5	13
Other	-	5	-	-	-	-	-	-	5
<b>Total</b>	<b>25</b>	<b>97</b>	<b>22</b>	<b>27</b>	<b>106</b>	<b>84</b>	<b>192</b>	<b>22</b>	<b>575</b>

Category of Complainant	Central								* Total
	Office	QLD	NT	TAS	NSW	VIC	SA	WA	
Male	7	11	7	3	-	4	11	9	52
Female	18	84	14	22	-	79	181	11	409
Group Organisation	-	2	1	2	-	1	-	-	8
<b>Total</b>	<b>25</b>	<b>97</b>	<b>22</b>	<b>27</b>	<b>106</b>	<b>84</b>	<b>192</b>	<b>22</b>	<b>575</b>

Category of Respondent	Central								* Total
	Office	QLD	NT	TAS	NSW	VIC	SA	WA	
Commonwealth	17	4	1	3	-	11	16	8	60
Other	8	93	21	24	-	73	176	14	409
<b>Total</b>	<b>25</b>	<b>97</b>	<b>22</b>	<b>27</b>	<b>106</b>	<b>84</b>	<b>192</b>	<b>22</b>	<b>575</b>

- In the absence of detailed breakdowns from the New South Wales Anti-Discrimination Board figures in the last vertical do not balance with the total figure

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### **Case 2**

On the restructuring of the company for which she worked, a woman alleged she applied for the new position of general manager, although she had been warned by the deputy chairman of the company board not to bother applying as 'a hard-nosed man' was wanted. The position went to a male applicant.

The woman complained to the Commission that she had been discriminated against on the grounds of her sex and furthermore that she had subsequently been unfairly dismissed. The case was conciliated when the company offered financial payment to the woman to resolve her two complaints.

### **Case 3**

A woman working as a machinist alleged she was sexually harassed by her employer, who singled her out for inappropriate attention, offered her rides home and gave her a business card with the words 'You're beautiful — I love you' written on it. This behaviour forced her into resigning her position and lodging a complaint under the Sex Discrimination Act.

In conciliation, the respondent agreed to pay the complainant compensation for her economic loss and injury to feelings.

### **Case 4**

A woman who had worked for two years with an accounting firm as a computer operator lodged a complaint under the Sex Discrimination Act alleging that she was dismissed from her employment due to pregnancy. The employer and employee had initially agreed to a resignation date six weeks prior to the expected date of birth. However, the firm insisted that the woman take six weeks leave owing to her so that she could finish on an earlier date. She was dismissed when she refused to take the leave and the earlier date for resignation.

The complainant alleged that during a slow period for the firm she was the staff member being forced to take leave and this was due to her pregnancy. The firm argued that it was because she was an inefficient employee. The complaint was settled by the employer agreeing to compensate the woman for her lost wages and to provide her with a statement of employment.

### **Case 5**

A female tenant gave her landlord a list of repairs needed in her flat. He agreed to do them over the weekend, suggesting that he should stay in the flat although he did not live far away. The tenant agreed to his overnight use of the couch, but the landlord suggested her bed, which he had previously jumped on during his inspection visit. After this and other comments, the tenant felt threatened in her own home and complained to the Commission.

The landlord responded to the Commission's letter by evicting his tenant, withholding her bond money and trying to make the woman sign a letter retracting her complaint. After a conciliation meeting, the matter was settled by the landlord's complete reimbursement of the bond money and a letter of apology to the complainant.

### **Case 6**

A woman employee in a take-away food shop alleged she was being sexually harassed by her employer who continually touched and pinched her, and on one occasion grabbed her, whilst she was at work.

## *Complaint Handling*

At a conciliation meeting, settlement was reached when the respondent agreed to pay compensation for loss of wages and humiliation, and provide the complainant with a reference on her work performance.

### **Case 7**

A woman complained under the Sex Discrimination Act that she had been denied promotion within a mining company on the basis of sex. She had been employed by the company as a plant operator for several months before her promotion to machinery driver. She occupied this position for a number of years and applied for training as an operator of different machinery. The woman alleged that less experienced males were trained on this particular type of machinery and were promoted ahead of her. She further alleged that she had been denied a real chance to improve her skills on machinery as men were given preference by management.

The employer stated that promotion to higher classifications of plant operator involved rigorous selection criteria with the objective of finding the best people for the positions. The company claimed that the final selection of personnel to the higher position was on the basis of proficiency and skill and that appropriate recruitment procedures had been followed in this instance.

The complainant was advised of the company's policy and no further action was required to be taken.

### **Case 8**

The secretary to the manager of a large organisation complained under the Sex Discrimination Act that she had been sexually harassed by her employer. The harassment took the form of continual sexual advances in the workplace and at the woman's home.

The woman alleged that, as a result of refusing these advances and complaining about the behaviour to more senior personnel, she was victimised by the alleged harasser and other staff, denied work and eventually dismissed. She said that her resultant emotional stress affected her ability to seek employment elsewhere.

The complaint was settled by the organisation's agreement to pay compensation.

## **Racial Discrimination Act**

Two hundred and forty three (243) complaints were lodged this year under the Racial Discrimination Act (see Table 7). This represents an 18.5% increase on last year's figure of 205 complaints. The most noticeable increase was in complaints regarding access to places and facilities. Indeed, the South Australian agency made special mention of a 250% increase in such complaints in that State.

From the figures, it appears that there was a slight rise in complaints from people of non-English speaking background and a slight decrease in those from Aboriginal people; but it is clear that, as in the preceding year, twice as many males lodged complaints under the Racial Discrimination Act as females. The Commission is currently attempting to raise immigrant women's awareness of existing legislation and complaint procedures.

Several case studies illustrate the different types of complaints received under the Racial Discrimination Act.

Table 7

**Complaints Lodged under the Racial Discrimination Act**  
**July 1, 1988 - June 30, 1989**

Area of Complaint	Central								Total*
	Office	QLD	NT	TAS	NSW	VIC	SA	WA	
Access to places & facilities	2	6	5	1	-	-	40	-	54
Land/housing/accommodation	-	3	2		-	-	6	-	11
Provision of goods & services	8	24	-	1	-	1	12	2	47
Employment	12	20	2	1	-	22	29	5	91
Advertising/media		2	-	-	-	-	3	-	5
Incitement to unlawful acts	-	-	-	-	-	-	-	-	-
Education	1	1	-	-	-	-	5	-	7
<b>Total</b>	<b>23</b>	<b>56</b>	<b>9</b>	<b>3</b>	<b>27</b>	<b>23</b>	<b>95</b>	<b>7</b>	<b>243</b>

Complainant's Ethnicity	Central								Total*
	Office	QLD	NT	TAS	NSW	VIC	SA	WA	
Aboriginal	5	31	5	1	-	-	24	4	70
Non-English speaking background	14	18	2	2	-	15	56	2	109
English speaking background	4	5	2	-	-	8	10	1	30
Association	-	1	-	-	-	-	5	-	6
Not recorded							5	-	6
<b>Total</b>	<b>23</b>	<b>56</b>	<b>9</b>	<b>3</b>	<b>27</b>	<b>23</b>	<b>95</b>	<b>7</b>	<b>243</b>

Category of Complaint	Central								Total*
	Office	QLD	NT	TAS	NSW	VIC	SA	WA	
Female	9	25	2	-	-	3	30	4	70
Male	11	29	6	3	-	20	63	3	135
Group Organisation	3	-	-	-	-	-	2	-	5
Not recorded									2
<b>Total</b>	<b>23</b>	<b>56</b>	<b>9</b>	<b>3</b>	<b>27</b>	<b>23</b>	<b>95</b>	<b>7</b>	<b>243</b>

\* In the absence of detailed breakdowns from the New South Wales Anti-Discrimination Board, figures in the last vertical do not balance with the total figure

### Case 1

A salesperson alleged he was told by one of his supervisors that he would never be successful as he had 'an ethnic looking face' and should transfer elsewhere. He then received a letter informing him that if his commission amount did not increase, his employment would be terminated in four weeks.

## *Complaint Handling*

The man complained that he was being treated differently to other employees because of his race and that this was in contravention of the State Equal Opportunity Act and the Racial Discrimination Act.

The respondent company reprimanded the supervisor and others, withdrew the letter and reintroduced correct procedures. This satisfied the complainant who did not wish the Commission to take any further action.

### **Case 2**

A complaint was received from a man of Aboriginal descent, who was seeking accommodation for himself, his sixteen-year-old daughter and his baby grandson. He alleged he had phoned about an advertised flat, been told the address and that it was vacant. He inspected the property and within an hour called at the owner's house to negotiate a lease. The owner said the flat was gone, although the man's daughter was later advised by phone that it was still vacant and another advertisement appeared the following day.

The respondent owner said that the flat had been rented to a young woman who had paid a bond and arranged to return in the evening to sign the papers. However, the young woman returned with her father who had arranged another property and the owner refunded the bond when the young woman agreed to readvertise the flat the following day. The respondent said that the flat had, in fact, been rented to the young woman when the complainant called, but that further enquirers during the afternoon may not have been told it was actually taken as the respondent wished to keep all her options open.

The young woman who paid the bond confirmed the respondent's information. The matter was conciliated at a conference at which the respondent apologised to the man and his family for any apparent misunderstanding and offered two weeks rent to offset the inconvenience.

### **Case 3**

A man complained to the Commission about a prominent advertisement which appeared in a regional newspaper. The advertisement made derogatory remarks about Japanese people, and was open to the interpretation of encouraging readers not to sell property to the Japanese. The respondent newspaper put the person who placed the advertisement in touch with the Commission but that person was unwilling to withdraw any of the remarks, or to apologise for the advertisement, claiming a right to free speech. The newspaper, however, apologised to the complainant, and advised the Commission that it did not wish to be seen to be encouraging racist actions within the local community.

The complaint was resolved when the newspaper gave an assurance that it would be vigilant about not accepting similar advertisements in the future.

## **Privacy Act**

The Privacy Commissioner will produce a separate annual report for the period from 1 January 1989 to 30 June 1989, as is required by section 87 of the Privacy Act. The following is, therefore, only a very brief summary of the complaint handling function.

During the six months of operation of the Privacy Act, 21 formal complaints were received. However, a large number of additional written enquiries (120) were received which were found to fall outside the jurisdiction of the complaint handling provisions of the legislation. This is to be expected with new legislation. A number of issues raised by these matters were taken up by the Commissioner at a policy level and dealt with directly with heads of departments, especially the Commissioner for Taxation.

Table 8

**Complaints Lodged under the Privacy Act**  
January 1, 1989 - June 30, 1989

<b>Total number of formal complaints received</b>	<b>21</b>
<i>Ground of Complaint *</i>	
<b>Alleged breaches of Information Privacy Principles (IPPs)</b>	
Collection of information: IPP 1-3	13
Storage of information and access to it: IPP 4-7	5
Accuracy and use of information: IPP 8-9	
Limits on use and disclosure: IPP 10-11	4
<b>Alleged breaches of Tax File Number Guidelines</b>	<b>7</b>
<i>Respondent Category</i>	
Commonwealth Agencies	13
Other - e.g private enterprise	8
<i>Other Privacy Enquiries Received</i>	<b>120</b>
* Privacy complaints may cover several grounds in the one complaint	

A number of the 21 formal complaints were lodged on more than one ground, and this accounts for any apparent discrepancy in the total in Table 8.

## Commission Hearings

As noted earlier, the great majority of complaints handled by the Commission are settled during the conciliation phase. A small percentage of matters (3.2%) which failed to be conciliated were referred by the relevant Commissioner for a formal hearing before the Commission. Some of the more significant matters are outlined in the following summary.

*Hill v. Guilfoyle* (Sex Discrimination Act). Ms Hill lodged a complaint against Mr Guilfoyle pursuant to sections 14 and 28 of the Act. The respondent failed to appear at the hearing and the matter proceeded in his absence. It was held that the complaint had been made out and Ms Hill was awarded \$4,000 by way of damages (\$1,500 for loss of wages and \$2,500 general damages).

*Bennett and Lawson v. Whyalla Fish Factory and Take Away Pty Ltd and Everitt* (Sex Discrimination Act). Originally, Ms Bennett, Ms Lawson and Ms Kittel lodged complaints of

## Complaint Handling

sexual harassment and sex discrimination under sections 14 and 28 of the Act against the respondents. Ms Kittel withdrew her complaint prior to the hearing. The respondents did not attend and the Inquiry proceeded in their absence. The Commission held that the complaints had been made out and awarded Ms Bennett \$7,000 damages and Ms Lawson \$6,000 damages.

*Hall, Oliver and Reed v. A. and A. Sheiban Ply Ltd and Dr Sheiban Snr* (Sex Discrimination Act). Three complainants lodged complaints pursuant to sections 14 and 28 of the Act. Following the hearing into the matter, the President of the Commission found that, whilst the complaints had been made out, no damages should be awarded.

This decision was subject to review by the full Federal Court pursuant to an application under the Administrative Decisions (Judicial Review) Act. The application was successful and the Court remitted the matter to the Commission for reconsideration of the findings in light of the directions made by the Court. The President of the Commission subsequently made directions as recommended by the Federal Court that compensation be paid to the complainants and that the Attorney-General be requested to provide financial assistance to the complainants.

*Ellenbogen v. Federated Municipal and Shire Employees' Union of Australia and Others* (Racial Discrimination Act). This complaint was declined by the Commissioner and referred for hearing at the request of the complainant in accordance with section 24 of the Act. The respondents made an application pursuant to section 25X of the Act to have the complaint dismissed summarily. At the hearing conducted to consider the matter, the Commission ordered that the complaint be dismissed.

*Hercules v. The Department of Community Services (Queensland)* (Racial Discrimination Act). A complaint was lodged under section 15(1)(c) of the Act. The complainant alleged that he had been dismissed from his employment due to his association with a female Aboriginal resident of Palm Island. Following an Inquiry, the Commission held that the complaint had not been made out as it had not been established that the complainant's association with an Aboriginal person was the dominant reason for his dismissal.

## Other Referred Matters

*McBride v. Parsons* (Sex Discrimination Act). The complainant alleged that she had been sexually harassed in contravention of section 28 of the Act. The matter was listed for hearing but was settled prior to the hearing, terms of settlement not to be disclosed.

*Ridgeway v. Australian Airlines* (Sex Discrimination Act). The complainant alleged that she had been discriminated against in employment on the basis of her sex, in contravention of section 14 of the Act. The matter settled prior to the hearing, terms of settlement not to be disclosed.

*Hodgson v. The Commonwealth* (Sex Discrimination Act). The complainant alleged that she had been discriminated against on the basis of her sex in contravention of section 14 of the Act. The matter was settled on the fourth day of hearing.

*Freestone v. Kozma* (Sex Discrimination Act). A complaint was lodged under sections 14, 28 and 94 of the Act. Following an Inquiry, the Commission held that the complaint had been made out and awarded \$5,500 by way of compensation to the complainant.

# Promotion of Human Rights and Equal Opportunity

In accordance with its functions under the Human Rights and Equal Opportunity Commission Act, the Commission has continued to undertake public programs to promote awareness, understanding and acceptance of human rights.

The establishment by the Commission of closer links with non-government organisations and government bodies with a special interest in human rights enabled the development of a wider reach for its promotion program than would have been possible for the Commission acting alone. This was especially noticeable in the arrangements for Human Rights Week 1988 and the special activities to commemorate the Fortieth Anniversary of the Universal Declaration of Human Rights.

A number of activities initiated in the previous year were consolidated or completed in this period.

## Projects to Inform Women

Several activities were continued or initiated to provide information for women about their rights.

### Immigrant Women's Information Pilot Project

This project was developed as a means of addressing the special difficulties faced by immigrant women of non-English speaking background in becoming aware of the provisions of anti-discrimination law. A consultant was engaged by the Commission in September 1988 to provide full-time coordination of the project and in October, after extensive consultative and other preparatory work, the Commission launched the Immigrant Women's Information Project at Lidcombe in New South Wales.

The first phase was a pilot project to communicate with immigrant women of non-English speaking background about their rights under the Sex Discrimination Act and the Racial Discrimination Act. A set of community announcements were broadcast over the Special Broadcasting Service's Radio 2EA (Sydney) in the latter part of 1988, in the languages chosen for the pilot phase — Turkish, Spanish and Khmer. These announcements were complemented with on-air discussions and phone-ins, coordinated by the 2EA staff and others involved in the project.

The radio announcements provided dramatised presentations of employment-related situations, such as sexual harassment and dismissal on the grounds of pregnancy, and access to services such as accommodation. Information kits, including brochures in the three chosen community languages and a poster, had been distributed to supportive community organisations in advance of the broadcasts; the telephone number of the Federal Telephone Interpreter Service was listed as a primary point of contact for follow-up inquiries.

Women's organisations, such as the Association of Non-English Speaking Background Women of Australia, and government bodies like the NSW Anti-Discrimination Board and Ethnic

## *Promotion of Human Rights and Equal Opportunity*

Affairs Commission, the Federal Office of Multicultural Affairs and the Special Broadcasting Service assisted in the development of information kits and follow-up activities. Of particular importance for the implementation and evaluation of the project was the provision by the Office of Multicultural Affairs of the services of its group facilitators, who conducted consultations before and after the broadcasts with women from the three nominated language groups. Reports of these consultations have been an important contribution to the consolidated report on the pilot project.

The broad assessment of the New South Wales pilot study was that it had succeeded in raising awareness among the Turkish, Spanish and Khmer speaking women of their rights in relation to anti-discrimination laws. Those conducting the pilot project felt that they had learned valuable lessons for further activity in the area.

Consultations with key organisations in Melbourne in the latter part of 1988 established a basis for a second pilot project to be initiated in Victoria in 1989, using the same three language groups as in the Sydney study. With the cooperation of Victoria's Equal Opportunity Commissioner, the Victorian Ethnic Affairs Commission and the other national bodies, both government and non-government, which had assisted the implementation of the earlier pilot study in NSW, the Victorian project was well under way by April 1989. An assistant coordinator, funded by the Commission and operating from the Office of the Equal Opportunity Commissioner of Victoria, was appointed late in April and proceeded to develop the Victorian pilot project.

The basic approach was the same as in New South Wales, utilising SBS Radio 3EA, the Telephone Interpreter Service, the group facilitators of the Office of Multicultural Affairs and the assistance of key government and non-government bodies. The community announcements started on 3EA immediately after the project's official launch on 13 June 1989.

Within the three language groups in Sydney and Melbourne is a total of some 100,000 women, a sizeable target group for a study. A summary report of the pilot project will be produced by the Commission. This report will provide an evaluative basis for future work in this area and will be distributed to all relevant areas.

### **Rural Women's Information Project**

Recognising that women in rural centres or remote country areas do not have ready access to information and advice about discrimination, the Commission initiated a pilot project in community education for rural women.

The Sex Discrimination Commissioner and staff from the Commission's Queensland office visited a number of rural communities and consulted the local women. It became evident from these meetings that rural women face particular challenges in the matter of discrimination. Difficulties are often exacerbated by the social circumstances of living in small communities, especially when a woman wishes to lay a complaint or seek redress.

It was made clear to the Commission representatives that plainly written, well presented brochures or other informative materials, setting out the facts on anti-discrimination legislation and the Commission's role, were needed. Staff have followed up with appropriate brochures and posters and have also forwarded copies of their report, *Rural Women's Information Project*, to the women who participated in the various seminars.

### **Information for Young Women**

Two pilot information workshops on the Sex Discrimination Act were held in Sydney and Brisbane in the first half of 1989. These workshops targeted young women and those

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organisations representing them, to inform them of the Sex Discrimination Act and to discuss various methods of information dissemination.

The workshops were organised in conjunction with the Young Women's Christian Association (Sydney and Brisbane), Zig Zag (Brisbane), the Young Parents' Program (Brisbane) and the Youth Advocacy Centre (Brisbane). Both workshops were well attended and results from them will be incorporated into future planning in this area.

## **Projects on Race Discrimination**

### **Race Relations in the Workplace**

Of all complaints lodged under the Racial Discrimination Act between July 1987 and June 1988, 48% related to discrimination in employment. As indicated in the Commission's previous annual report, the handling of complaints in the race area had shown the inadequacy of legislation in relation to some controversial issues, namely racial discrimination in employment and the lack of jurisdiction on incitement to racial hatred.

In the interest of promoting a more positive approach to these issues, the Commission continued its support for a range of initiatives under the general heading of 'Race Relations in the Workplace'. For example, support was provided for a conference targeting workers of non-English speaking background, hosted by the Victorian Ethnic Affairs Commission in Melbourne in October 1988, and by December two pilot projects funded by the Commission were completed.

These two projects were undertaken with the active cooperation of management and on-site union representatives. The first was with Bradford Insulation, a subsidiary of CSR Limited, at its Auburn (Sydney) site; and the other with the Queensland branch of James Hardie and Company Pty Ltd at their Meeandah, Wacol and Newstead sites. In each project, while little evidence of direct discrimination or race relations problems was found, agreement was reached on various areas which needed improvement to further equality of opportunity, efficiency and effectiveness.

One of the significant observations of the Commission's consultants for these pilot studies was the need for middle management, especially human resources and personnel managers, to have available some practical material for guidance on recruitment, job evaluation and promotion on the basis of equal opportunity.

In April 1989, the Race Discrimination Commissioner met with the National Labour Consultative Council's Committee to Examine Aspects of a Multicultural Workforce. The Committee agreed to assist the Commission in the development of a manual or kit designed to help middle management establish more equitable practices and procedures. The Commission, in consultation with the National Labour Consultative Council, is also planning to host a series of State-based seminars on race relations in the workplace.

### **Community Outreach Project**

The year under review was marked by an unusual degree of public debate and media comment on race relations, especially concerning Asian immigration and its impact on community relations. Conflicting views on these matters were expressed in Parliament, the press and in the electronic media.

In order to gain a direct insight into community attitudes on these issues, the Race Discrimination Commissioner undertook a series of visits to communities throughout Australia.

## Promotion of Human Rights and Equal Opportunity

The aim was to meet not only community leaders but Australians of all backgrounds and of varying socio-economic status, in shopping centres, suburban streets, clubs and other centres and to speak directly with those people about their experiences and their views. The Commissioner is preparing a report on these visits.

A number of Commission staff have been involved in the community outreach project associated with the National Inquiry into Racist Violence. They have undertaken activities such as press releases, mail-outs, community visits and individual contact, as well as advertising widely in the national press to publicise the Inquiry and to invite submissions.

## Convention on the Rights of the Child

Ten years ago, the United Nations began negotiations aimed at producing a Convention setting out the fundamental rights of children. After a decade of work, the treaty is now ready to go before the United Nations General Assembly for approval, a move expected in December 1989.

The Human Rights Commissioner was actively involved in the drafting process of the Treaty as special adviser to the Australian delegation, and has made community education about the new Convention a priority during the past year.

The Forum of National Non-Government Welfare Coordinating Organisations has actively assisted with promotion of the Convention, and the Commission cooperated with UNICEF to adapt an information kit on the Convention for Australian use. This kit, designed for those needing to examine policy implications of the Convention, contains the text of the Convention, a guide to the articles, and broadsheets covering its background and scope. The first 2,000 kits were distributed in April and May 1989 and the reprinting of a similar number of kits has been ordered.

The dissemination of information about the Rights of the Child will be an ongoing Commission activity. Mrs Hazel Hawke has agreed to launch an information campaign in July 1989, for which the Commission is preparing a substantial amount of promotional material including four posters utilising children's drawings.

## Privacy

The passage of the Privacy Act provided the first major extension of the Commission's functions since the Commission was established. The Act created new legal rights in relation to the handling of personal information held by federal government agencies, as well as imposing privacy safeguards on the tax file number system. Because of its novelty and because it only conferred new rights in some circumstances, an education strategy was devised which explained these matters in simple terms to the community. In addition, a special program was devised to educate those responsible for day-to-day observance of the Act (in particular, federal public servants). Community education and promotion had the following elements:

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- nationwide advertising of the **Privacy Hotline** number (008 023 985). **This occurred in two** cycles during January, February and again in March and April. By 30 June over 1,200 calls to the Hotline had been received.
- A round of media interviews and appearances, and public speaking engagements by the Privacy Commissioner.
- Publication of a brochure *Privacy: Guide to the Federal Privacy Act*. Circulation to federal members of parliament, community organisations and agencies has commenced.

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Training for agencies and users has had the following major elements:

- *Senior Officers:*  
On 8 May, the public service training program was launched. 140 senior officers from a wide range of agencies attended, including several heads of agency. The main speaker at the launch was the Minister for Consumer Affairs, Senator the Hon Nick Bolkus. Other speakers included the Privacy Commissioner.
- *Senior Executive Service Training Program:*  
Planning for this program was well advanced as at 30 June. Three-hour sessions are scheduled to be held in Canberra and other capital cities during July and August.
- *Training Video:* A 15-minute training video has been commissioned and is due to be completed in July.
- *Privacy Contact Officer Training:*  
Planning for this program was well advanced as at 30 June. All-day sessions are proposed in all major centres for officers in agencies who are responsible for coordination and implementation of privacy responsibilities. These are scheduled to commence in September 1989.

## **Other Programs**

### **Schools Program**

From its inception, the Commission has taken the view that any education projects it undertakes at the school level should be on a basis of active cooperation with education authorities and should be aimed at enhancing the abilities of teachers to teach about human rights within the mainstream curriculum, rather than as an optional extra.

School-level projects in the Tasmanian and New South Wales Government school systems, which were started in 1987-88, continued into 1988-89. In Tasmania, seven schools from primary to senior secondary completed their examination of the various international human rights instruments to which Australia has subscribed and a report of the project was completed by the end of 1988.

The New South Wales project, in which classroom teachers and curriculum specialists developed a set of in-service materials on non-sexist education, Aboriginal education and multicultural education, resulted in a resource manual to be available to all primary schools in the State. The research and writing aspects of the project were completed by December 1988. The materials produced in 1989 are expected to provide long-term benefits.

A total of \$150,000 was spent by the Commission on these two projects. This expenditure was complemented by the active involvement of senior education officials, curriculum experts, principals and classroom teachers in the Tasmanian and New South Wales Government education systems.

Drawing on the experience of the two projects, the Commission has prepared a draft policy for future involvement in school-level projects. This policy is to be discussed with State and Commonwealth education officials and representatives of non-government school systems, independent schools, and parent and teacher organisations before further initiatives are taken.

## Promotion of Human Rights and Equal Opportunity

### Human Rights Week

The week leading to Human Rights Day on 10 December each year provides the Commission and other organisations with an interest in human rights with an opportunity to raise public awareness of human rights issues. Human Rights Week 1988 was especially significant, marking the 40th Anniversary of the Universal Declaration of Human Rights. The Commission and the United Nations Association of Australia (UNAA) coordinated a nationwide program of commemorative activities. The UNAA commissioned a special poster for the occasion from Melbourne artist Betty Greenhatch; ten thousand copies were printed and distributed.

Using archival footage provided by the Department of Public Information of the United Nations in New York, the Commission was able to produce a video on human rights, highlighting Australia's role in the adoption of the Universal Declaration of Human Rights, and especially the work of Dr H. V. Evatt. The United Nations Organisation provided a community announcement for television, which was screened on a number of stations throughout the country. With the support of the Commission and other human rights organisations, the national newspaper *The Australian* ran a special supplement on the 40th Anniversary. State Equal Opportunity Commission offices, the NSW Anti-Discrimination Board and a range of non-government organisations cooperated in the conduct of activities Australia-wide.

- In Canberra, a special 40th Anniversary display was mounted at the National Library of Australia.
- Also at the National Library of Australia the Hon. Justice Mary Gaudron of the High Court delivered a commemorative address.
- A modified version of the National Library's display was distributed to State Libraries and other centres around Australia.
- In Melbourne, a human rights forum entitled 'Human Rights, Human Obligations' was followed by special dance and theatre performances.
- In Adelaide, a forum on the 40th Anniversary was held at Fullerton Park and displays were organised in shopping centres, libraries and churches.
- Western Australian activities included a special church service, a human rights fair and a forum.
- In Queensland, there was considerable media exposure in Brisbane as well as displays in Cairns and Townsville.
- The Tasmanian program for Human Rights Week included a Racism Awareness Seminar at the University of Tasmania and a concert and speeches on Human Rights Day in Hobart's Salamanca Place.
- In the Northern Territory there were speeches, information stalls and street theatre.
- New South Wales organisers brought the human rights message to the Sydney public through the use of street theatre. Professional actors presented a series of theatre sketches on the right to work, the right to shelter, disability discrimination and other issues.
- Finally, in Sydney, at the State Library of New South Wales, the then Governor-General, His Excellency the Right Honourable Sir Ninian Stephen, presented the Human Rights Medal and Awards.

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### The Human Rights Medal 1988

The Human Rights Medal was established by the Commission in 1987 to recognise an Australian citizen or resident who has made an outstanding contribution to the protection or promotion of human rights in Australia. The medal is judged by an independent panel of leading Australians, headed in 1988 by the former Chief Justice of the NSW Supreme Court, the Hon. Sir Laurence Street. Other judges were: The Hon. Dame Roma Mitchell DBE; Mrs Rosemary Sinclair; Ms Laurie Alsop; Ms Pat O'Shane AM; and Ms Edith Hall AO.

The 1988 Medal recipient was the Reverend Dorothy McMahon, Minister of the Pitt Street, Sydney, Parish of the Uniting Church of Australia. In presenting the Medal, Sir Ninian Stephen paid tribute to the Reverend McMahon's 'sustained, courageous and at times costly leadership to the community in general and the church in particular, upholding the rights of those who are victimised because of race, gender or sexual orientation, and responding to the needs of such people'.

The President of the Commission, Justice Einfeld, spoke about Dorothy McMahon as 'a tireless and courageous activist for human rights for more than thirty years' even though her work had earned the active hostility of a number of extremist organisations, directed both at herself and her church.

The medal is cast in bronze and was designed and made by Victorian sculptor and architect Michael Meszaros.

### Human Rights Awards 1988

These awards were established to honour achievement in literature and other writing, film and the media in the promotion of understanding and public discussion of human rights in Australia. The distinctive awards, designed and made by South Australian glass artist Pavel Tomecko, were presented to the following recipients by Sir Ninian Stephen.

#### Literature and Other Writing

- Ruby Langford for *Don't Take Your Love To Town*, an autobiographical account of an Aboriginal woman's struggle to raise nine children.
- Kevin Gilbert as editor of *Inside Black Australia*, an anthology of Aboriginal poetry.
- Henry Reynolds for *Law Of The Land*, which challenges the legal and moral assumptions underlying the European occupation of Aboriginal Australia.

#### Media

- **TV Drama: Film** Australia's *Custody*, portraying the breakup of a marriage and the subsequent custody battle.
- **TV Documentary:** ABC Television's *Four Corners*, for an episode entitled 'Blue Death' dealing with Australia's worst industrial tragedy in the asbestos-mining town of Wittenoom. Sue Spencer and Paul Barry were producer and journalist respectively.
- **Radio Documentary:** 'The Beating Heart of Australia' dealing directly with the experience of discrimination by the Aboriginal community, produced by Florence Sperling for the ABC Religious Department program, *Encounter*.
- **Newspapers:** *Land Rights News*, edited by John Ah Kit from Alice Springs.

## *Promotion of Human Rights and Equal Opportunity*

- Magazines: *Ten Ten: Outsiders*, an educative magazine aimed at combating prejudice in schools, published by Collins Dove.

### **Film**

- *Mapantsula*, a hard-hitting anti-apartheid drama set in Soweto, produced by David Hannay.

### **Human Rights Exhibition**

The Commission continued its involvement in the preparation of a proposal for a national touring exhibition on human rights. Financial assistance from the Commission enabled the State Museum of Victoria to develop a conceptual plan and budget for the proposed exhibition.

The Commission, together with the State Museum and the Victorian Commissioner for Equal Opportunity, has been investigating possibilities for sponsorship from governments and private sector corporations.

### **Human Rights Congress 1989**

The promotions staff at the Commission's head office devoted considerable time during the past financial year to the organisation of a major 'congress to be held in September 1989 in Melbourne. The theme chosen for the congress is 'Human Rights in Australia: Challenges for the 1990s'. By June 30, the congress program was in place; speakers, venues and facilities had been organised; and a comprehensive booklet containing program details, general information and registration forms had been printed. Over six thousand invitations were sent to individuals and organisations who may be interested in the issues to be raised at the congress.

This will be the second National Human Rights Congress. The first was held in Sydney in September 1987 and included an address by Mr Larry Cox, Deputy Secretary-General of Amnesty International.

### **Publications**

The Commission's publications program includes both general materials (such as information brochures on the various Acts for which the Commission is responsible), and special publications (such as *Our Homeless Children* — the report of the Homeless Children Inquiry).

### **Newsletters and Bulletin**

Two issues of the newsletter were produced in September 1988 and May 1989. However, an in-house review of the Commission's publication program decided that the time and expense required for the production of the newsletter would be better utilised producing more frequent and timely bulletins on specific items of current interest. A new monthly newsletter, *Human Rights Update*, has been designed and will be in regular publication after 1 July 1989.

### **Brochures**

The Commission's general brochures, *What are Human Rights?*, a plain English summary of the seven international human rights instruments, and *Your Guide to the Human Rights and Equal Opportunity Commission*, were revised during the past year to incorporate references to the

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Privacy Act. In addition, *Privacy: Guide to the Federal Privacy Act* was published and widely distributed. Three brochures were produced concerning the Sex Discrimination Act:

- *A Guide to the Act*
- *Sexual Harassment in Employment*
- *Sex Discrimination in Employment*

Also published as a brochure was *The Racial Discrimination Act A Guide to the Act*.

The Commission is committed to making its aims and functions widely understood, and to this end is progressively updating and improving the content, graphic design and layout of its brochures. It is also responsive to particular problems the community may have concerning some of the legislation it administers. One case in point over the past year has been the law regarding dismissal on the grounds of pregnancy.

Complaint and enquiry statistics show that the law regarding discrimination on the grounds of pregnancy is little understood by employers and widely breached. The issue is complicated by an apparently widespread confusion between the general legal rights of pregnant employees and separate (and less extensive) award provisions for maternity leave. There are also some variations from State to State on specific provisions regarding the respective rights and obligations of pregnant employees and their employers, especially with regard to occupational health and safety issues.

Recognising the need for a straightforward statement of the law and its implications, for both employers and employees, the Commission commenced production of a brochure, *The Rights and Responsibilities of Pregnant Workers: A Guide for Employers*. This will explain the relevant sections of the Sex Discrimination Act and to whom it applies, discuss maternity leave and health risks, and answer a number of common questions. This brochure is being prepared with the help of Commission conciliation staff and the generous assistance of the Australian Council of Trade Unions, the Confederation of Australian Industry, the Western Australian Commissioner for Equal Opportunity and experts in the field of occupational health and safety. It will be ready for distribution early in the new financial year.

### **Publication in Community Languages**

As part of its access and equity strategy, the Commission is committed to producing information in community languages, recognising the necessity for accuracy in translation and the need to distribute material in relation to the concentration of language groups in different parts of Australia. An analysis of statistics is presently under way to assist the selection of appropriate languages for the Commission's translation program.

### **Special Publications**

In order to meet substantial community interest in the report of the Homeless Children Inquiry, Commission staff (using the Commission's desktop publishing equipment) produced 10,000 copies of a four-page 'Guide to *Our Homeless Children*' which summarised the background to the Inquiry and the major findings of the Report.

### **Reports**

The major report of the last financial year was *Our Homeless Children*.

## *Promotion of Human Rights and Equal Opportunity*

The Commission's President, Justice Einfeld, released his follow-up report, *The Toomelah Review*, in March 1989 following his return visit to the Queensland-NSW border towns which were the focus of his earlier inquiry into the living conditions of certain Aboriginal communities.

### **Desktop Publishing**

The Commission's in-house capacity for the production of such items as announcements of conferences and occasional papers was enhanced by the utilisation of desktop publishing facilities. Staff trained in the use of specialist software were able to produce a number of publications at short notice and low cost. This report was produced on that equipment.

### **Contact Database and Mailing Lists**

For the Commission to function effectively, it needs to be able to contact a diverse range of individuals and organisations across Australia. It therefore has to maintain an efficient and up-to-date mailing list.

Following an external review of the existing mailing list, an information agency was engaged to develop and maintain a comprehensive contact database. This has enabled the Commission to obtain comprehensive lists of addresses for specific purposes, often at short notice, without engaging the Commission's own staff or equipment. The mailing list is for the exclusive use of the Commission and is not made available to other persons or organisations.

### **Seminars and Conferences**

One of the noticeable features of the year was the high profile of the Commission at a range of seminars and conferences. All Commissioners and senior staff accepted invitations to participate in a wide variety of public forums, both to learn from the experiences of other individuals and agencies, and to put forward the Commission's policies. This was part of the Commission's strategy to promote a general awareness of human rights and discrimination legislation. A list of the major speaking engagements of Commissioners is to be found in Appendix 1 of this report.

### **Media Liaison**

The public profile of the Commission has been significantly heightened over the past year, due in large part to the extensive media coverage of the Commission's Report of its National Inquiry into Homeless Children. The November announcement of a National Inquiry into Racist Violence also attracted considerable media interest, as did the appointment of Australia's first Privacy Commissioner. Other significant events were the 40th Anniversary of the Universal Declaration of Human Rights and Human Rights Week in general.

The major objective in all dealings with the media is to increase public awareness of human rights issues within Australia. A monthly news bulletin on the Commission's activities is now distributed to media throughout Australia.

# Coordination and Consultation

## Non-government Organisations

The major achievement during the 1988-89 financial year involving non-government organisations was the successful negotiation and operation of a formal mechanism for relations with the Commission in areas of common interest.

The beginning of the year saw the conclusion of an extensive round of consultations with seventeen peak organisations covering disability, ethnic, Aboriginal, youth, sex discrimination, age discrimination, child welfare and general social welfare fields.

The ideas emerging from the consultations were presented to the Commission as a paper entitled *Working with the Community through Non-Government Organisation*. After debate, amendments and further drafts, the Commission released and distributed a strategy paper incorporating a number of resolutions concerning contacts with non-government organisations. One of the major resolutions was that the Commission convene an annual meeting with a broad range of non-government organisations. The first of these was held in November 1988.

Over thirty national organisations attended the conference to discuss priorities for action in the areas mentioned above. A number of issues for joint action were identified and valuable input was made to the Commission's draft 1989 program. A detailed response to several issues raised by delegates at the November conference was written and distributed to all participants in April 1989.

The Commission's resolution that it take appropriate opportunities to speak at NGO board meetings or important conferences has been implemented. This has provided valuable opportunities to carefully consider important human rights issues with key groups.

The major projects undertaken during the year as part of the Commission's non-government program are discussed below (under the heading Joint Projects), but there were a number of activities originating solely from the Commission. The advent of the Privacy Act necessitated a special briefing session for those non-government organisations interested in privacy issues. This was held in May 1989 and attended by eight organisations.

In June 1988 the Commission held a briefing session for non-government organisations concerned with children's issues on the Draft Convention on the Rights of the Child. From this meeting came a working party of the Forum of National Non-Government Welfare Coordinating Organisations; during the past year the Commission has assisted this working party's activities to promote the Draft Convention, culminating in the publication in May 1989 of a special journal which examined the Convention on the Rights of the Child in terms of its impact on Australia.

## Joint Projects

In addition to the projects already mentioned, the Commission approved funding for a joint research project to identify areas of need for increased protection of the rights of people with disabilities. With Commission support this was conducted by AAMR, the National Association on Intellectual Disability; ACROD, Australia's Council on Disability; and Disabled People's

## *Coordination and Consultation*

International (DPI). The draft report has been completed and the final report, edited and published using the Commission's desktop publishing facilities, will be released for further consultation.

In February 1989, the Commission co sponsored with the Schizophrenia Australia Foundation a two-day seminar in Brisbane on schizophrenia. Papers presented at the seminar have been published and are available from the Commission.

Another area which concerned the Commission was discrimination on the basis of age. Discussions on priorities and approaches were held with the Combined Pensioners' Association of NSW, the Australian Pensioners Federation, the Youth Affairs Council of Australia and the Australian Council on the Ageing. The idea of a seminar on age discrimination emerged and gathered momentum during the past year. The plans will reach fruition in July when a two-day seminar will be held in Melbourne. The seminar will be opened by the Governor-General, Commissioner Burdell will give the keynote address and State and Federal Ministers are expected to be among many who will attend.

Contact with non-government organisations representing different ethnic communities has been a high priority in the past year in order to explore a proposal on improvements in community relations throughout Australia.

Finally, in line with the recommendations of the first annual NGO meeting, plans are under way for another such meeting and the development of an overall program of activities for 1989-90.

## **External Consultants**

The Commission maintains a Register of Consultants. This was established following advertisements in all major daily newspapers inviting applications for inclusion. It now contains over 400 names, and consultants engaged by the Commission for specific advice or projects are selected from the register.

Researchers or other specialist consultants are invited to register as consultants to the Commission and can do so by obtaining a registration form from the Commission's Sydney office. Appendix 2 provides a list of consultants engaged by the Commission in the financial year 1988-89.

## **Cooperative Arrangements with the States**

As noted in the last annual report, the Commission has continued the arrangements entered into by the former Human Rights Commission with the Governments of NSW, Victoria, South Australia and Western Australia for the performance, on a joint basis, of human rights work in those States.

The object of the cooperative arrangements is to avoid duplication in the provision of services, as far as possible. The States involved have their own anti-discrimination legislation and administrative bodies. By delegating certain of its powers to the State bodies concerned, the Commission is able to make use of the expertise available in those bodies to handle complaints arising under federal legislation.

Commonwealth funds appropriated for cooperative arrangements in 1988-89 totalled \$1,141,800.

These funds were allocated as follows:

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- NSW Anti-Discrimination Board — \$430,915.
- Victorian Commission for Equal Opportunity — \$287,049.
- South Australian Commission for Equal Opportunity — \$223,336.
- Western Australian Commission for Equal Opportunity — \$200,500.

Complaint statistics in the State agencies appear in the earlier chapter on complaint handling.

People wishing to lodge complaints under the federal Sex Discrimination Act or Racial Discrimination Act may do so at the offices of the State agencies listed below:

New South Wales Anti-Discrimination Board  
11th Floor, Legal and General House, 8-18 Bent Street, SYDNEY 2000

South Australian Commissioner for Equal Opportunity  
Ground Floor, Wakefield House, 30 Wakefield Street, ADELAIDE 5000

Victorian Commissioner for Equal Opportunity  
4th Floor, 356 Collins Street, MELBOURNE 3000

Western Australian Commissioner for Equal Opportunity  
First Floor, City Mutual Building, 5 Mill Street, PERTH 6000

# Corporate Services

## Financial Management

Although the Commission received an increase in its budget with the passing of the *Privacy Act* 1988, its overall financial base is being eroded in real terms. At the same time, the Commission's non-discretionary workload has increased. These factors have presented the Commission with a considerable challenge and attention will continue to be given to improving financial management and program performance to meet this challenge. An unforeseen expense was incurred during the year when security had to be increased after several damaging attacks on the Commission's office and staff by a member of the public.

## Program Budgeting

During the 1988-89 financial year the Commission's activities were divided into the following major programs:

Research and Legislative Review

Public Inquiries

- Complaint Handling
- Cooperative Arrangements with the States
- Promotion of Human Rights and Equal Opportunity
- Coordination and Consultation
- Corporate Services

Each of these programs is described in detail in the earlier sections of this report. Total outlays for the year by program element are shown in the accompanying diagram (Figure 4).

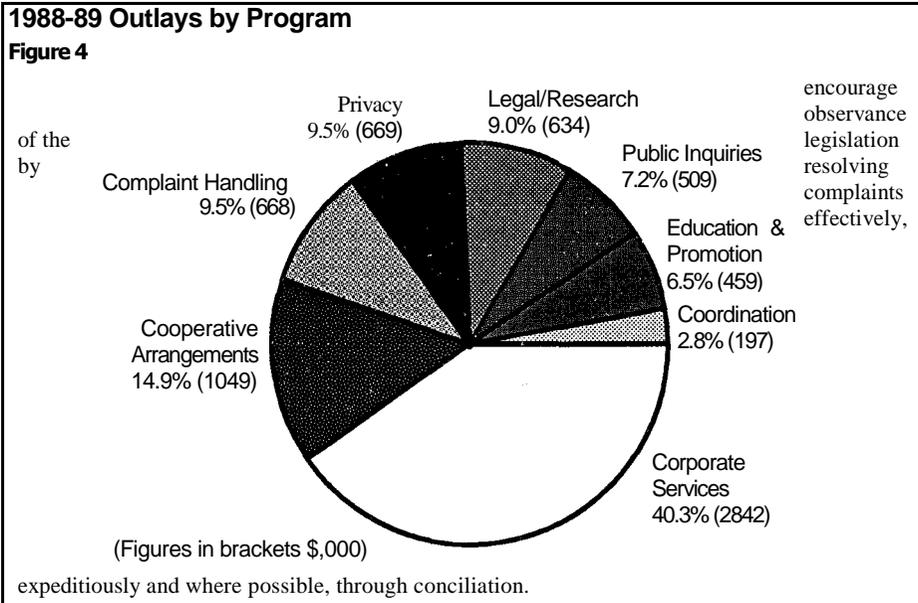
## Financial Statement 1988-89

Audited financial statements pursuant to section 50 of the Audit Act appear at Appendix 3.

## Performance

The Commission's overall objective is to promote an understanding of and the acceptance and observance of the provisions of the various Acts which it administers. To achieve this objective the Commission has adopted deliberate policy strategies which can be readily evaluated.

The first involves the use of public inquiries to examine major human rights issues. The Commission believes that it is possible to gain broad community support for the ideals embodied in the legislation if it can demonstrate in its reports and other work that these ideals are in the interests, both social and economic, of the community as a whole. The second is to



While the Commission will continue to refine its performance evaluation techniques and evolve new strategies for the additional functions it has been given, the main performance measures will continue to relate to the major policy strategies described above. These performance measures are:

- success in raising public awareness and observance of human rights.
- success in having recommendations of major reports adopted by government
- number of complaints successfully resolved through conciliation
- prompt processing of complaints

### 1988-89 Outcome

A key result area for the Commission is the success of its major public inquiries in raising community awareness and providing a catalyst for change through practical recommendations to governments and the community. The earlier section on Public Inquiries describes in detail the outcomes in this area.

Success rates in the area of complaint handling are the second major measure of the Commission's performance. Conciliation is an informal, confidential and comparatively low-cost alternative method of dispute resolution to the expensive and potentially more stressful litigation process. The complaint statistics over the past two financial years, which indicate that 97% of complaints are dealt with without requiring a hearing, point to the success of the conciliation strategy and this will continue to be a major policy objective in 1989-90.

The second measure of efficiency and effectiveness in complaint handling is the average length of time taken to resolve a complaint. Delays of several years were not uncommon when the

## *Corporate Services*

Commission came into existence and the typical processing time in the United States and Canada varies from twelve months to two years. The Commission has decided that six months is the optimum time span within which individual complaints ought to be investigated and either settled or referred for hearing.

During the year, 37% of the complaints handled by the Commission's central office were resolved within 6 months, while 38% were resolved within twelve months and 21% within 18 months. The average processing time per complaint was 9.6 months. The Commission will be attempting to improve on those results in 1989-90.

### **Outlook for 1989-90**

The major variations in proposed expenditure for 1989-90 compared with 1988-89 are in the Privacy Program, for which 1989-90 will be the first full year of operation; the Corporate Services Program which has been increased because of the addition of Privacy to the Commission's functions and the inclusion for the first time of property operating expenses; and the Cooperative Arrangements Program, where the variation in 1989-90 can be explained by the carryover from 1988-89 of the funds allocated for Victoria, due to that State's failure to sign a cooperative agreement before the end of the financial year.

During 1988-89, Privacy was very much in the establishment phase. Nevertheless, much has already been achieved and 1989-90 will see the consolidation and further development of this program.

The National Inquiry into Racist Violence is the third major inquiry to be conducted by the Commission, with the overall objective of raising public awareness of major human rights issues and attempting to gain broad community support for the elimination of discriminatory practices. That inquiry will provide the broad focus for the Commission's work in the race discrimination area during 1989-90.

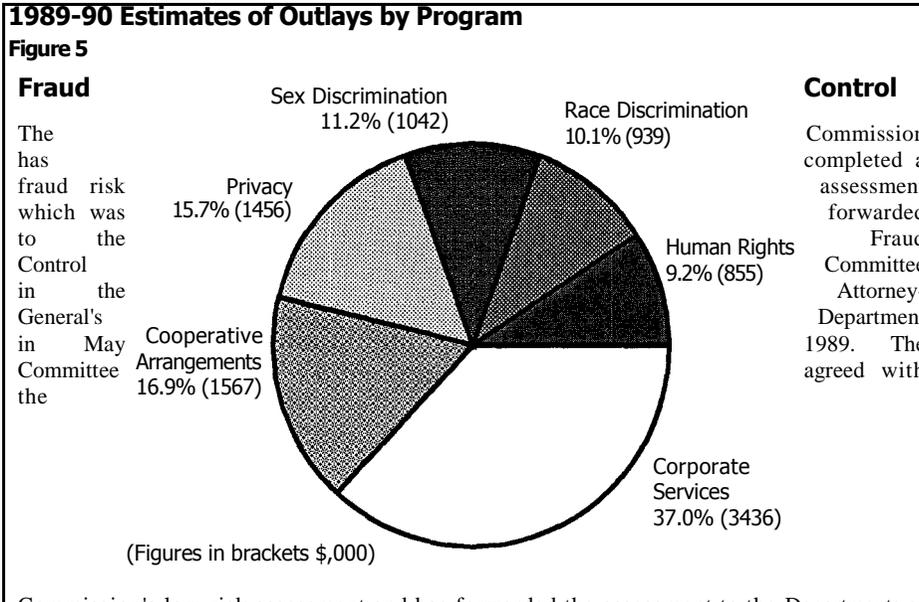
The Commission continually strives to improve techniques and training in complaint handling. More work will be done to raise awareness, especially among disadvantaged groups, of the basic rights all Australians are entitled to by law and the specific provisions of the legislation with regard to remedies against discriminatory practices.

### **Program Structure for 1989-90**

With the inclusion of the Privacy Commissioner as a member of the Commission, the former program structure is no longer appropriate and for 1989-90 the following program structure has been adopted:

- Human Rights
- Race Discrimination
- Sex Discrimination
- Privacy
- Corporate Services
- Cooperative Arrangements with the States

The following diagram (Figure 5) indicates estimated resource allocation by program in 1989-90.



Commission's low-risk assessment and has forwarded the assessment to the Departments of Finance and Social Security for approval. In view of this, the Commission is not required to produce a fraud control plan, but will continue to rely on its own internal controls to monitor and investigate fraud risk areas.

## Human Resources Issues

### Staffing

The *Public Service Act 1922* governs the Commission's staffing arrangements. The Commission's average staff level (ASL) for 1988-89 was 55.9 and the projected ASL for 1989-90 is 74.7. The increase is due to the inclusion of Privacy legislation in the Commission's responsibilities. At the time of writing, the Commission had 60 staff members and four full-time Commissioners. That figure includes 10 temporary staff, 2 of whom were employed part-time. The staff profile of the Commission appears at Table 9.

### Staff Training

Commission staff are encouraged to take advantage of all training opportunities, both for their own career development and to maintain the highest possible standards in the work of the Commission. Staff are also encouraged to share their special skills by assisting other agencies in training programs when possible.

On-going staff training programs fall into four major categories:

Corporate Services

Table 9

**Staffing Profile within Classification Levels**

**As at June 1989**

<i>Classification</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
Commissioners	4	2	2
SES L4	1	1	-
SES L2	2	1	
PLO	1		1
SLO	1		1
ASOC7	8	4	4
ASOC6	9	3	6
Legal Officer	1		1
Librarian Class 2	1		1
AS005	6	1	5
ASOC4	7		7
ASOC3	8	2	6
Library Officer Grade 2	1		1
ASOC2	8	1	7
ASOC1	1	1	
<b>Total</b>	<b>64</b>	<b>16</b>	<b>48</b>

- *Computer based courses:* Since the adoption of the Office Structures Implementation and the desirability for all staff to be 'computer literate', in-house training has been offered regularly. The staff member in charge of computer skills attends external courses, then relays the information to work colleagues through a series of workshops and notes. Staff who need to attend specific external courses may do so, though the internal courses are quite sufficient for general needs such as word processing and document management.
- *Legal, research and conciliation:* Several legal and para-legal organisations provide continuing legal education, often through courses which give academic accreditation for the participants. As the Commission endorses the concept of multiskilling, the research and conciliation staff also go to legal courses when relevant.
- *Personnel and Public Service courses:* These courses are generally sponsored by other Commonwealth agencies and provide training in such areas as administrative law, classification skills and industrial democracy.
- *General requirements:* A number of courses — supervision, time management, negotiation skills and effective writing — were frequently requested not only by Commission staff, but also by staff from other agencies. Through its participation in the small agency network, the Commission shared the cost of an external consultant to run courses open to all

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interested staff from different agencies. This pooling of resources is a cost-effective way of providing training.

- *Seminars and conferences:* Apart from formal training courses, a number of staff have attended conferences and seminars of an educative nature.

A 1988 survey of 19 departments within the Australian Public Service showed that the average amount of staff time spent at training courses throughout the year was 1.65 days per employee. The Commission averaged 6.2 days per employee on training for that same year.

### **Staff Exchanges**

The staff exchange program, through which members of the Commission staff gain valuable professional experience, was initiated at the invitation of the United Nations Human Rights Centre in Geneva, Switzerland. For the second year running the Commission has sent one staff member to Geneva for 2 months to conduct research on human rights issues.

An exchange of personnel (one staff member each way) was effected during the year between the Commission's Head Office and the Danish Centre for Human Rights. In addition, a student from Columbia University in the United States came on a placement to the Commission, as another Columbia student had done last year. The Commission welcomes the opportunity to study other countries' methodologies in working with human rights issues and, reciprocally, to share its own techniques and work experience.

### **Student Traineeships**

During the year the Commission has offered placements to several Year 10 high school students for work experience. It has also offered 6 months temporary work to a woman graduate of the NOW (New Opportunities for Women) program, the first paid employment the woman has had for many years. The young trainee taken on last year under the Australian Public Service Youth Traineeship Scheme has made good progress since being offered full-time employment with the Commission and has since been promoted.

### **Office Structures Implementation (OSI)**

As noted in the last annual report, an Agreement between the Federal Government and the major clerical unions regarding an integrated office structure, increased productivity and improved career opportunities was ratified in late 1987. The implementation of this Agreement is continuing, although it has not caused any substantial changes within the Commission where the offices were already automated and management policy emphasised flexibility in staff duties. However, it did entail redesigning the duties of staff such as receptionists, stenographers and secretaries to ensure that keyboard duties did not exceed 50% of their workload. The Commission is monitoring its policy of staff mobility and training to ensure that staff improve their skills and maintain their flexibility.

### **Industrial Democracy**

The consultative council of the Attorney-General's Department and portfolio agencies (including this Commission) continued to meet every three to four months during the year. The main thrust of the council's aim was occupational health and safety issues, office structures implementation and training and staff appraisal schemes. Union officials who participated included representatives from the Australian Government Lawyers' Association (AGLA), the Administrative and Clerical Officers' Association (ACOA), the Federated Clerks' Union

## Corporate Services

(FCU), the Professional Officers' Association (POA), the Australian Journalists' Association (MA) and the Australian Public Service Association (APSA).

The Commission continued to use, as its main industrial democracy mechanism, staff participation at section and branch meetings, senior staff meetings (including the participation of regional offices), and Commission meetings to which staff have an input via project proposals. In addition to these meetings, staff are consulted as required on pertinent issues such as job redesign, training, accommodation, security and the introduction of office technology.

An ACOA workplace delegate was elected for the first time in the Commission and several meetings of members from various unions were conducted in the workplace. Issues discussed included matters relating to industrial democracy, occupational health and safety, and security. Discussions at staff and union meetings favour the establishment of a staff/management consultative group, which would comprise equal numbers of management and elected staff representatives. A collective decision is expected early in the new year.

The Commission continues to participate in the industrial democracy network for small agencies as well as the industrial democracy facilitators' network. The Commission will revise its industrial democracy plan during 1989-90.

### Occupational Health and Safety

The Commission continued to place a high priority on occupational health and safety issues during the year. Some of these issues include:

- *Smoke-free work environment:* This policy applies throughout Commission offices to both staff and visitors.
- *Accommodation:* All the fit-outs in Commission offices were designed by Australian Construction Services in accordance with Commonwealth occupational health and safety standards. Office design, ambient atmosphere and the use of ergonomic furniture have all been utilised to assist in the creation of a safe and healthy workplace.
- *Occupational overuse syndrome:* Particular attention was given to training in keyboard skills and organisation of workload of all staff due to the requirement of multiskilling and the introduction of computers to all staff. Those whose duties involve more than 20% keyboarding were required to undergo eye tests.

To date, no compensation claims have been lodged by staff.

### Equal Employment Opportunity

The Equal Employment Opportunity (EEO) objective is to develop and maintain fair practices in personnel operations and training; to address the specific career and developmental needs of target group members; and to develop information systems about, and improve understanding of, EEO principles throughout the Commission. To achieve this objective, the Commission monitors its staff profile and staffing practices and conducts appropriate training courses.

The Assistant Director, Administration carries out the duties of EEO Coordinator, reporting to the Director and Assistant Secretary, Management on all aspects of EEO. In regional offices, these duties fall to the office manager. However, a specialist consultant was engaged during the year to draft a new EEO program for the Commission, in light of the Public Service Commission's directive for programs to give greater emphasis to actions and outcomes than was previously required. A draft program has been completed and is currently being discussed by staff, management and unions in line with the Commission's consultative mechanisms.

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There have been no EEO grievances lodged against the Commission during the year; indeed, there have been none since the Commission's inception. The Commission monitors the monthly reports of all its sections to ensure that activities undertaken to achieve EEO objectives have been achieved. The main evaluation of success occurs through the outcome of training and development programs designed for certain target groups, including women, people of non-English speaking background, Aborigines and Torres Strait Islanders and people with disabilities. Tables 10 and 11 show the representation of these four groups in the Commission.

While the figures indicate that women and Aborigines comprise a relatively high proportion of the Commission's staff (75% and 5% respectively), which compares more than favourably with service-wide statistics, the proportions of staff of non-English speaking background (either first or second generation) or with disabilities (14% and 2% respectively), are below service-wide averages. The Commission's major EEO objective for 1989-90 will be to increase the representation of these latter categories in its staffing profile.

The Commission intends to give a high priority to the adoption of a new EEO Program (after the current consultative process is finished). At least one Average Staffing Level position will be allocated to a person with a disability. The Commission has a designated contact officer for

**Table 10**

**Representation of EEO Groups within Classification Levels**

**As at June 1989**

<i>ASO classification and equivalent</i>	<i>Total No. of staff</i>	<i>Women</i>	<i>NESB1</i>	<i>NESB2</i>	<i>ATSI</i>	<i>PWD</i>
ASOC 1-2	9	7 (78%)	1 (11%)	2 (22%)		1 (11%)
ASOC 3-4	16	14 (88%)	2 (12%)		1 (6%)	-
ASOC 5-6	17	13 (76%)		1 (6%)	-	
ASOC 7-8	15	11 (73%)	1 (7%)		2 (13%)	
SES L 1-2	2	1 (50%)		1 (50%)		
SES L 3-4	1					
SES L 5-6 and above	4	2 (50%)		1 (25%)		
<b>Total</b>	<b>64</b>	<b>48 (75%)</b>	<b>4 (6%)</b>	<b>5 (8%)</b>	<b>3 (5%)</b>	<b>1 (2%)</b>

Table 11

**Representation of EEO Groups within  
Occupational Groups**

As at June 1989

<i>Occupational group</i>	<i>Total No. of staff</i>	<i>Women</i>	<i>NESB1</i>	<i>NESB2</i>	<i>ATSI</i>	<i>PWD</i>
SES and Commissioners	7	3 (43%)		2 (29%)		
ASO and related	52	40 (74%)	4 (8%)	3 (6%)	3 (6%)	1 (2%)
Professional	5	5 (100%)				
<b>Total</b>	<b>64</b>	<b>48</b>		<b>5</b>	<b>3</b>	<b>1</b>

**KEY:***NESB1* - Persons born overseas*NESB2* - Australian born with parents born overseas*ATSI* - Aboriginal or Torres Strait Islander*PWD* - Persons with a disability

people with disabilities and two designated sexual harassment contact officers — one female and one male.

The Commission will continue staff development and training schemes, particularly in view of the implementation of the office structure agreement discussed earlier. The adoption of an independent computer-based personnel management system will expedite the retrieval of EEO statistics.

Subject to resources, the Commission will continue its practice of assisting other Federal and State agencies, professional bodies and private companies with training on EEO issues such as sex, race and disability discrimination; culture-discrimination in the workplace; EEO for managers; and training for lawyers in conflict resolution.

## **Other Issues**

### **Accommodation**

The Commission's head office is located in the heart of Sydney's central business district. Additional space was needed in the course of the year to accommodate the Privacy Commissioner and his staff. This was arranged in the same building and the Department of Administrative Services organised the fit-out in keeping with existing workplace health and safety standards.

Each of the Commission's three regional offices has moved to a new location during the past year and details are set out below in the regional reports.

### **Library**

The Commission's library is located within the Sydney office and is the most comprehensive human rights library in Australia. Its collection of reference books, monographs (some 7,000) and subscription journals and reports (approximately 1,000), has expanded in the subject areas of privacy and data protection to support the work of the Privacy Commissioner. The library has access to *Ozline* and the *Australian Bibliographic Network*, as well as to *Scale*, *Info-one* and *Australis*.

Monthly accession lists have been issued since April 1989 and the fortnightly circulation of the contents pages of current journals continues to be popular and produces many requests for loans of current journals. A series of reader education sessions has been held to introduce staff to the library and explain the services offered and the procedures for borrowing.

There has been a steady increase in the use of the library over the past year, both by Commission staff and by members of the public as awareness of the library grows. The library is open to the public for reference use by appointment; a coin-operated photocopier is provided.

### **Computer Services**

The establishment of the Commission resulted in a productivity increase in the order of 30%. The wide use of information technology has assisted the Commission in maintaining and even improving upon that situation.

The 1988-89 financial year was a period of expansion for the Commission's computer systems in anticipation of the appointment of the Privacy Commissioner as a member of the Commission. This expansion was catered for by the introduction of a local area network in the Sydney office which will form the basis of the Commission's strategy for any future upgrading

Projects commenced during the year included the development of information systems to take advantage of the network, and the successful introduction of desktop publishing facilities. An in-house training program to keep staff abreast of new developments and to enhance their general computing skills has been introduced and will continue in the new financial year.

A number of management information systems to improve administrative efficiency are currently being developed. The major systems available at the moment include:

- Records management
- Financial management
- Complaint statistics

## **Access and Equity**

All Federal Government agencies are required to have an access and equity plan which outlines the measures taken by agencies to ensure that government services and programs are fully accessible to migrants.

The Commission's access and equity plan clearly outlines the initiatives that the Commission has taken to ensure equity in the provision of its services, particularly to people of non-English speaking background. These include access to interpreters and translators as well as educational programs targeted at specific language groups to advise about rights under the legislation the Commission administers. Such programs have been discussed more fully in this report under the section on Promotion of Human Rights and Equal Opportunity.

Projects such as the Rural Women's Information Project, also discussed in the section on Promotion, are further evidence of the Commission's concern to make its services accessible to people who would ordinarily have difficulty in participation in, and access to, these services.

## **Environment**

The Commission maintains a close watch on its own office practices in this regard. It recycles its own waste paper and is exploring ways to use recycled paper products in its day to day activities.

## **Regional Offices**

### **Queensland**

In October 1988 the Queensland office moved from the city centre to a more accessible street level position in South Brisbane.

The conciliation caseload of this office remained very heavy throughout the year. The increase of complaints from outside the Brisbane area has required extensive travel. (Over 50% of all complaints handled by the office were outside the Brisbane metropolitan region.) Travel associated with conciliation covered most regions of Queensland. Complaints included matters from Far North Queensland and the remote North West regions.

Community education is also an important aspect of the work of the Queensland office. There were constant demands for speakers. In most cases staff spoke at training seminars for employees in both government and non-government organisations. Staff also spoke at a wide range of functions held by these organisations and schools and educational institutions.

Meetings and consultations were conducted with the Queensland Hotels Association for establishing guidelines on discrimination. Consultations were held with the Australian Legal Aid Office (Old) for creating guidelines for granting aid in HREOC matters. Training was also conducted for Legal Aid contact officers.

Human Rights Week activities were held in Cairns and Townsville as well as Brisbane. In Cairns and Townsville the local city councils assisted in the successful staging of events and the Brisbane events were organised in cooperation with the United Nations Association.

### **Northern Territory**

A concerted effort has been made during the past year to raise the profile of the Commission in the Northern Territory. The vast distances between population centres, the frontier perspective

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and the general lack of understanding of human rights concepts and instrumentalities, all contribute to the challenges in servicing the Territory.

A new Regional Director and Assistant Regional Director were appointed in January 1989, joining the administrative assistant to form a staff of three. The office was moved to the Commonwealth Government Centre in Mitchell Street, Darwin allowing a higher profile for the Commission as well as greater ease of access for the public.

Community education continues to be a major function of the Northern Territory Regional Office. Staff regularly undertake public speaking engagements as well as conducting workshops for a range of government and non-government organisations, including Commonwealth agencies, and ethnic and Aboriginal community groups. Participation in conferences has emerged as a vital mechanism in community liaison, as have field trips to other towns in the Territory. The Commission's Darwin-based staff have visited Alice Springs on three occasions, and Katherine and Tennant Creek once during the year. Through these visits, networks have been established and/or strengthened, allowing frameworks to develop for a more consistent regional program.

The Darwin office was also host to Commissioners and central office staff. Commissioner Bryce visited Darwin and Alice Springs during Human Rights Week, meeting community groups and providing a particular focus for the attention of women's groups, including those of Aboriginal women. In Darwin, Commissioner Bryce was the guest speaker at a well-attended lunch, which along with the Human Rights Week information stalls and street theatre, attracted significant media attention across the Territory.

The Commission Secretary visited Darwin to deliver the keynote address at the 8th Annual Northern Territory Children's Services Conference. The Conference theme was 'International Year of the Child: Ten Years On' and Mr Sidoti spoke on 'The Rights of the Child' focusing on the Commission's Report, *Our Homeless Children*. With local staff he met a range of community and government representatives to explore current concerns and issues.

Another important conference which helped to publicise human rights was the Northern Territory Youthworkers Training Conference. The keynote speaker was Father Wally Dethlefs of Brisbane, who was a member of the Homeless Children's Inquiry. Father Dethlefs spoke of the Inquiry and its Report and discussed the causes and effects of homelessness on young people throughout the Territory. He joined the Regional Director in a public forum hosted by the Northern Territory Council on Social Services; elsewhere, at Lake Bennett, another Territory staff member presented a report on the Commission's behalf to an Aboriginal Women's Conference, attended by over 100 delegates.

The Regional Office began its input into the National Inquiry into Racist Violence by consulting community groups and preparing a submission for consideration by the Race Discrimination Commissioner.

A change in the trend of complaints made to the Commission in the Northern Territory has emerged over the past year. The number of complaints lodged under the Racial Discrimination Act has fallen by half, but Sex Discrimination complaints have doubled, with almost all of them falling into the employment area. It is likely that this rise is associated with the ongoing public debate in the Territory over the treatment of women in the workplace. The nature of complaints received from Aboriginal people continues to focus on the provision of goods and services and access to facilities.

## **Tasmania**

The Regional Office in Tasmania has moved to new premises in The City Mill, Morrison Street, Hobart. Although the former premises in Salamanca Place had reasonably good public access,

## *Corporate Services*

the new offices provide even better public access and additional space for a conciliation interview room.

The staffing situation fluctuated throughout the year, with changes at all levels including the Regional Director. A full-time temporary consultant has been engaged whose duties encompass research and information/education functions. This has strengthened community education, which has continued to be a feature of the Commission's role in Tasmania.

The Tasmanian office received many requests for information kits, brochures, videos and the use of library facilities. In particular, there was a marked increase in school students requesting information on sexual harassment, sex and racial discrimination, equal employment opportunity and human rights for school projects. Community groups and private enterprise have also sought information and speakers on the legislation administered by the Commission.

An indication of growing awareness and understanding of the Commission and its functions was highlighted when the Regional Director was invited by the Tasmanian Police Force to speak to recruits at the Police Academy on issues relating to the Sex and the Racial Discrimination Acts.

Tasmania received a number of visits throughout the year from the President, Commissioners and central office staff. Justice Einfeld addressed guests at the United Nations Day Lunch and met leaders of the churches and other community organisations; Commissioner Bryce spoke to schools and women's groups; and the Secretary opened Human Rights Week and on a later occasion, met Premier's Department officials, Opposition members and community welfare groups.

### **A.C.T.**

The Commission has been anxious for some time to establish an office in the national capital but has been prevented from doing so by lack of funds. A New Policy Proposal for funding was unsuccessful and, because of its generally tight budgetary position, the Commission has been unable to find sufficient offsetting savings to fund the project.

Negotiations are underway with the ACT Administration on the possibility of a joint venture with the new ACT Government for the establishment of a Human Rights office in Canberra. The Commission will continue with its bid to obtain the necessary funding for its share of the cost of running the office.

## **Freedom of Information**

The Freedom of Information (FOI) Act provides public access to government documents in a general sense and allows the public to alter information on personal files if it is incomplete, incorrect or misleading.

During the year, the Commission received three FOI requests, all of which related to details of administrative procedures. None concerned personal information. Although three requests is a relatively small number, the cost in both expenditure and staff time in servicing these requests was very large. In fact, \$7,370 and 400 hours were directly attributable to FOI. In each FOI request, access was partly granted to the material in question.

In view of the special requirements of agencies dealing with a small number of FOI requests, the Commission sponsored a seminar on the topic. Delegates could attend either a general forum or one for small agencies to hear speakers from the FOI Unit of the Attorney-General's Department in Canberra. The Commission continues to monitor Commonwealth FOI developments and participate in appropriate forums and regional seminars.

## Annual Report 1988-89

### Categories of Documents

The Commission maintains the following categories of documents:

- *Administration*: matters including personnel and recruitment, accounts, general administration files, documents and registers, registry and library records, and indices.
- *Conciliation*: matters including the investigation, clarification and resolution of complaints.
- *Legal*: matters including legal documents, opinions, advice and representations.
- *Research*: matters including research papers in relation to complaints, existing or proposed legislative practices, public education, enquiries and other relevant issues.
- *Operational*: including files on formal inquiries.
- *Reference materials*: including press clippings, survey and research materials, documents relating to conferences, seminars and those contained in the library.
- *Policy*: including minutes of meetings of the Commission, administrative and operational guidelines.

The printed material which is available to the public has been listed under *Publications* in the earlier section on Promotion of Human Rights.

### FOI Procedures

Initial enquiries concerning access to Commission documents should be directed to the FOI Officer by either telephoning (02) 229 7600 or by writing to:

The Secretary  
Human Rights and Equal Opportunity Commission  
GPO Box 5218  
SYDNEY 2001

Facilities for examining documents and obtaining copies are available at the Commission's offices as follows:

Level 24, American Express Building  
388 George Street, SYDNEY 2000  
Telephone: (02) 229 7600

Ground Floor,  
187 Melbourne Street, SOUTH BRISBANE 4101  
Telephone: (07) 844 6099

First Floor, Randazzo Building  
80 Mitchell Street, DARWIN 0800  
Telephone: (089) 81 9111

Suite 4, Ground Floor, The City Mill  
11-13 Morrison Street, HOBART 7000  
Telephone: (002) 23 8511

# Appendix 1

## Speaking Engagements of the President and Commissioners 1988-89

### The Hon Justice M R Einfeld, President

- 12th National Conference of the Australian Council for Adult Literacy, Brisbane: *Literacy, Human Rights and Equality of Opportunity* **2 July 1988**
- National Accreditation Authority for Translators and Interpreters, Sydney: *Interpreting and the Law — Is there a Right to an Interpreter?* **28 July 1988**
- Lawasia Human Rights Seminar, Manila: *National Human Rights Commission — the Australian Initiative* **26 August 1988**
- United Nations Association, Hobart: 40th Anniversary of the Universal Declaration of Human Rights — *How Far We Have Come; How Far We Have To Go* **24 October 1988**
- The Combined Opening of the Conferences of the Institute of Municipal Management and the Australian Local Government Association, Sydney: *Towards a Humane Australia — The Next Two Hundred Years* **7 November 1988**
- Australian Academy of Forensic Sciences, Sydney: *Sexual Harassment* **9 November 1988**
- Supreme and Federal Court Judges, Sydney: *Oaths and Affirmations — Protecting the Right to Privacy and Belief* **11 November 1988**
- 1988 B'nai B'rith Oration, Melbourne: *Two Hundred Years On — Human Rights in Australia Today* **13 November 1988**
- The Jewish Folk Centre, Sydney: Launch of *They Marched Us Three Nights* by Dr Abraham Wajnryb **27 November 1988**
- International Commission of Jurists Australian Section — Luncheon, Sydney: 40th Anniversary of Universal Declaration of Human Rights **30 November 1988**
- Queensland Equal Opportunity Officers: *Human Rights at the Works ite* **15-16 January 1989**
- Aboriginal Health Conference, Coffs Harbour: *Aboriginal Health — Australia's Shame* **30 January 1989 15**
- The Law Society of New South Wales Young Lawyers' Section: *The Law of Discrimination — Recent Changes* **February 1989**

Institute of Personnel Management Australia, NSW Division, Sydney: <i>Human Rights and the Workplace</i>	<b>15 February 1989</b>
Presentation of the <i>Toomelah Review</i>	<b>16 March 1989</b>
University of Technology, Sydney: <i>International Law, Human Rights and Survival of Mankind</i>	<b>26 April 1989</b>
The Australian Armenian Association, Opera House Sydney: <i>The Armenian Genocide — Our Troubled Conscience</i>	<b>30 April 1989</b>
Law Institute of Victoria, Melbourne: <i>The Human Rights and Equal Opportunity Commission and the Justice Program</i>	<b>3 May 1989</b>
Combined Brisbane Rotary Clubs: <i>Human Rights and Modern Government</i>	<b>30 May 1989</b>
Amnesty International, Macquarie University: <i>Capital Punishment and Human Rights</i>	<b>1 June 1989</b>
New South Wales Police Academy, Goulburn: <i>Police Use of Deadly Force</i>	<b>7 June 1989</b>
<b>Mr Brian Burdekin, Human Rights Commissioner</b>	
The Royal Children's Hospital, Psychiatry and Behavioural Sciences Departments, Melbourne: <i>The Human Rights and Equal Opportunity Commission's National Inquiry into Homeless Children: The Evidence</i>	<b>21 July 1988</b>
Third National Conference on AIDS, Hobart: <i>AIDS and Human Rights Legislation</i>	<b>4-6 August 1988</b>
Launch of Pamphlet, <i>AIDS and Your Rights</i> at Third National Conference on AIDS, Hobart	<b>6 August 1988</b>
Australian Early Childhood Association 18th National Conference, Canberra: <i>International Legal Developments and the Status and Protection of Children's Rights in Australia</i>	<b>4-8 September 1988</b>
Australian Council of Social Service Annual Congress of Members: <i>Human Rights and Social Welfare</i>	<b>14 October 1988</b>
Jaycees International 43rd World Congress: <i>Children's Rights for a Better Tomorrow</i>	<b>15 November 1988</b>
40th Anniversary of the Universal Declaration of Human Rights, Meeting of Experts, Geneva	<b>12 December 1988</b>
Launch of Report: <i>Our Homeless Children</i>	
St Vincent's Hospital, Sydney: <i>Homeless Youth and AIDS — A Risk Factor?</i>	<b>22 February 1989</b> <b>23 February 1989</b>
Address Breakfast for Mission to Streets and Lanes, Melbourne: re <i>Homeless Children</i>	<b>2 March 1989</b>
Policy Assembly of Victorian Liberal Party: re <i>Homeless Children</i>	<b>3 March 1989</b>
Launch of Salvation Army <i>Red Shield Appeal</i> , Melbourne	<b>8 May 1989</b>

Youth Affairs Council of Tasmania: <i>Responding to the Report of the National Inquiry into Homeless Children</i>	11 May 1989
Tasmanian Family Law Conference: <i>Protection for Children's Rights in Australia</i>	13 May 1989
Young Liberal Movement Council, Melbourne: <i>Responding to the Report of the National Inquiry into Homeless Children</i>	22 May 1989
Launch of Salvation Army <i>Red Shield Appeal</i> , Adelaide	24 May 1989
All Saints Church, Hunter's Hill: <i>Responding to the Report of the National Inquiry into Homeless Children</i>	11 June 1989
Open <i>Refugee Week</i> , Sydney	
Footscray Institute of Technology Child Poverty Conference: <i>Poverty, Wealth and Young People</i>	19 June 1989 23 June 1989

### **Ms Irene Moss, Race Discrimination Commissioner**

<i>Human Rights Schools Project Workshop</i>	29 August 1988
OMA Workshop on <i>Racism in the Media</i> , Sydney	29 October 1988
Federation of Ethnic Community Councils, Canberra	3 December 1988
	7-8 December 1988
Human Rights Week, Townsville/Cairns: <i>Human Rights — The Australian Perspective</i>	16 December 1988
NSW Aboriginal Adult Education Consultative Committee	
Address to Non-Government Organisations: <i>Overview of Race Discrimination Issues and Projects</i>	17 December 1988
	17 January 1989
Summer School of the Association of TEASOL Teachers (Teaching English to Adult Speakers of Other Languages), Sydney	2 March 1989
Victorian Trades Hall Council	7 April 1989
<i>Key Issues in Race Strategies Today</i> : NSW TAFE, Sydney	1 May 1989
Conference on <i>Migrant's Day in Court</i> , Sydney	8 May 1989
<i>Strategies for Dealing with Racist Violence</i> : West Australians for Racial Equality, Perth	1 June 1989
Victorian Ethnic Community Council, Melbourne	2 June 1989
Victorian Ethnic Interest Groups, Melbourne	20 June 1989
Refugee Women's Forum, as part of Refugee Week, Sydney	

**Ms Quentin Bryce AO, Sex Discrimination  
Commissioner**

International Forum on Women in Public Sector Administration, Queensland University of Technology, Brisbane	<b>11 July 1988</b>
National Council of Women Annual Luncheon, Sheraton Hotel, Brisbane	<b>29 July 1988</b>
Sex Discrimination Act, 4th Anniversary Address NGO Meeting, Sydney	<b>1 August 1988</b>
National Conference: <i>Family Therapy</i> , Hobart	<b>24 August 1988</b>
Evatt Memorial Lecture: <i>The UN in Public Profile</i> , Brisbane	<b>3 September 1988</b>
Workshop: <i>Equal Opportunities and Industrial Relations</i> , Department of Industrial Relations and Employment	<b>21 September 1988</b>
Women's Electoral Lobby, Cairns	<b>September 1988</b>
Women's Meeting (Representatives from Non-Government and Government Organisations), Atherton, Innisfail	<b>September 1988</b>
Public Forum: <i>The Portrayal of Women in Advertising, Present and Future Strategies — The Adequacy of Current Australian Controls and a Proposal for the Future</i> , The Masonic Centre, Sydney	<b>14 October 1988</b>
Business and Professional Women's Meeting, Bathurst	<b>19 October 1988</b>
Alcohol and Drug Abuse, Sydney University	<b>29 November 1988</b>
	<b>30 November 1988</b>
LIFA/Human Rights and Equal Opportunity Commission Joint Seminar on Insurance and Sex Discrimination: <i>The Human Rights and Equal Opportunity Commission Perspective</i> , Sheraton-Wentworth Hotel, Sydney	<b>3 December 1988</b>
<i>AIDS in Australia: The Challenge To Be Met</i> , Wesley Hospital, Brisbane	<b>21 December 1988</b>
UNICEF: <i>The State of the World's Children 1989</i> Launch: The Rights of the Child, Sydney	<b>4-7 April 1989</b>
Combined Management Schools Conference, University of Queensland	
Myer Maternity Workshop, Brisbane	<b>11 April 1989</b>
Women at Work Conference, Brisbane College of Advanced Education, Brisbane	<b>6 May 1989</b>
Somerville House School Brisbane	<b>12 May 1989</b>
Children's Week Conference, Camden	<b>15 May 1989</b>
Youth Advocacy Centre Launch, Brisbane	<b>23 May 1989</b>
Abortion Rights Coalition of NSW, Sheraton-Wentworth Hotel, Sydney	<b>31 May 1989</b>

National Council of Women - Annual Luncheon, Sydney

**7 June 1989**

**Mr Kevin O'Connor,**

**Privacy Commissioner**

The Institute of Directors in Australia, NSW Branch: *Privacy: New Responsibilities for Government and Business* **6 April 1989**

Queensland Council of Civil Liberties: *Privacy: The First Hundred Days* **11 April 1989**

Credit Union Legal Seminar *Financial Privacy* **28 April 1989**

SOST Conference: *Data Matching* **4 May 1989**

AIDS Council of NSW, Legal Working Group: *Privacy, Confidentiality and the Federal Privacy Act* **5 May 1989**

Official Launch: *Privacy Act Implications for Commonwealth Agencies* **8 May 1989**

Australian Institute of Health: *The Privacy Act and Health and Medical Research: an Overview* **31 May 1989**

Australian Computer Abuse Research Bureau Conference: *Opening Address* **6 June 1989**

ACT Branch, Australian Records Management Association: *Privacy Act 1988 Implications for Records Managers* **13 June 1989**

The Institute of Internal Auditors of Australia, Canberra Branch: *Auditors Role in Privacy* **13 June 1989**

NSW Society for Computers and the Law: *Information Privacy: a New Branch of Computer Law* **14 June 1989**

## Appendix 2

### Consultants Engaged 1988-89

Axhurst International Pty Ltd	Advise on private sector strategy for implementation of Privacy Act.	8,330.00
Bailey, B	Advice on FRG law and practice relating to homeless children.	500.00
Bailey, M	Assist with implementation of community education strategy.	18,269.25
Brookman, J	Media Adviser to Commission.	35,644.80
Buckley, D	Prepare media strategy for projects to combat racism.	5,000.00
Chisholm, R	Research into legal issues affecting children and young people.	2,000.00
Des Walsh and Associates	Implement and co-ordinate community education strategy.	48,427.38
Eagleson, R	Advise on plain English version of Privacy brochure.	150.00
Engel, C	Prepare report on accommodation models for severely disabled.	4,685.71
Fieldhouse, A	Provide ad hoc legal advice to Commission.	18,684.45
Jocarm Pty Ltd	Advise on private sector strategy for Privacy Act, corporate sponsorships in relation to homeless children, and devise strategies for private sector participation generally.	10,800.00
Fouras, D	Research assistance for Inquiry into Homeless Children.	38,950.00
Hi Tech Editing	Advise on Information Privacy Principles and the relationship between the Privacy Act and Freedom of Information Act.	3,300.00
Hall, J	Co-ordinate Schools Program with NSW Education Department.	9,585.00
Jopson, D	Assist with drafting of pregnancy guidelines.	540.00

Kozaki, D	Co-ordinate Immigrant Women's Information Program.	21,444.01
Marfurt, H (Museum of Victoria)	Prepare concepts for national human rights exhibition.	2,939.60
Meekosha, H	Research into women with disabilities for Senate Inquiry into the Employment of the Disabled.	500.00
Mercer, S	Co-ordinate Race Relations in the Workplace Program in Queensland.	17,805.00
Papsis, P	Assist with implementation of Immigrant Women's Information Program in Victoria.	2,423.02
Rayner, M	Case study on children and the welfare and juvenile justice systems in Western Australia.	3,000.00
Stubbs, K	Co-ordinate Race Relations in the Workplace Program.	10,000.00
Sue Wood and Associates	Management of second human rights congress.	4,461.98
Tahmindjis, P	Assist with preparation of conciliators' hand book.	2,000.00
Waters, N	Advise Privacy Commissioner on implementation of Privacy Act.	7,261.00
Wylkale Pty Ltd	Computer systems consultants.	64,350.00
Xamax Consultants	Advise on implications of Privacy Act for private sector.	8,080.00

# Appendix 3

## Financial Statements

### Statement by the Human Rights Commissioner and Principal Accounting Officer

#### Certification

We certify that the financial statements are in agreement with the Commission's accounts and records and, in our opinion, the statements have been prepared in accordance with the Financial Statements Guidelines for Departmental Secretaries.

Signed



Dated 21/07

Brian Burdelcin  
Federal Human Rights Commissioner

Signed



Dated

20/08 Ap-07

William Chapman  
Assistant Secretary, Management

# AUSTRALIAN AUDIT OFFICE

NEW SOUTH WALES REGION



140 Phillip Street  
(Box 24 GPO)  
SYDNEY NSW. 2001

Telephone: (02) 229 7500  
Facsimile: (02) 233 8285

**Contact Officer:**

**Telephone:**

**Reference:**

HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION AUDIT REPORT ON FINANCIAL STATEMENT

In accordance with sub-section 50(1) of the Audit Act 1901, the Human Rights Commissioner has submitted for report the financial statement of the Human Rights and Equal Opportunity Commission for the year ended 30 June 1989.

Subsection 50(2) of the Act provides that the financial statement shall be prepared in accordance with financial statement guidelines and shall set out:

- (a) particulars of the receipts and expenditures of the Consolidated Revenue Fund, the Loan Fund and the Trust Fund during the financial year in respect of the Authority; and
- (b) such other information ( if any ) relating to the financial year as is required by the financial statement guidelines to be included in the statement.

The part of the financial statement prepared in accordance with paragraph 50(2) (b) of the Act is not subject to audit examination and report unless the Minister of Finance has declared that it is to be subject to full examination. At the date of this report the Minister had not made a declaration in respect of the Human Rights and Equal Opportunity Commission.

The part of the financial statement prepared in accordance with paragraph 50(2) (a) of the Act which is subject to audit has been prepared in accordance with the policies outlined in Notes 1(a), 1(b)(i) and 1(c) and has been audited in conformance with the Australian Audit Office Auditing Standards.

- 2 -

In accordance with sub-section 51(1) of the Act, I now report that the part of the statement prepared in accordance with paragraph 50(2) (a) is, in my opinion:

- . in agreement with the accounts and records kept in accordance with section 40 of the Act, and

in accordance with the financial statements guidelines made by the Minister for Finance.

AUSTRALIAN AUDIT OFFICE



JOHN FITZSIMON  
Acting Regional Manager

23 October 1989

**Human Rights and Equal Opportunity Commission  
Aggregate Statement of Transactions by Fund  
for the Year Ended 30 June 1989**

This Statement shows aggregate cash transactions, for which the Commission is responsible, for each of the three funds comprising the Commonwealth Public Account (CPA).

<b>1987-88 ACTUAL</b>	<b>NOTES</b>	<b>1988-89 BUDGET</b>	<b>1988-89 ACTUAL</b>
<b>Consolidated Revenue Fund (CRF)</b>			
Nil	Receipts	Nil	Nil
236,411	Expenditure from Special Appropriations <sup>1</sup>	Nil	Nil
4,939,060	Expenditure from Annual Appropriations	5,400,000	5,614,215
<u>5,175,471</u>	Expenditure	<u>5,400,000</u>	<u>5,614,215</u>
<b>Loan Fund</b>			
Nil	Receipts	Nil	Nil
Nil	Expenditure	Nil	Nil
<b>Trust Fund</b>			
Nil	Receipts	Nil	Nil
Nil	Expenditure	Nil	Nil

<sup>1</sup> In 1987-88 expenditure from Special Appropriations were made for the Holders of Public Office. In 1988-89 this expenditure is included in the Annual Appropriations.

**Human Rights and Equal Opportunity Commission  
Detailed Statement of Transactions by Fund  
for the Year Ended 30 June 1989**

**Consolidated Revenue Fund (CRF)**

*Receipts to CRF*

The CRF is the main working fund of the Commonwealth and consists of all current moneys received by the Commonwealth (excluding loan raisings and moneys received by the Trust Fund). The Authority is responsible for the following receipt items.

<b>1987-88 ACTUAL</b>		<b>SUB- PROGRAM</b>	<b>1988-89 BUDGET</b>	<b>1988-89 ACTUAL</b>
Nil	Receipts	21	Nil	Nil
Nil	Total Receipts CRF		Nil	Nil

**Expenditure from CRF**

The Constitution requires that an appropriation of moneys by Parliament is required before any expenditure can be made from the CRF. Appropriations follow two forms:

- special (or standing) appropriations; and
- annual appropriations

The Commission is responsible for the following expenditure items.

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*Refer to Program Statement (This information has not been subject to audit).*

**Expenditure from CRF (cont)**

<b>1987-88 EXPENDITURE</b>	<b>SUB- PROGRAM</b>	<b>1988-89 APPROPRIATION</b>	<b>1988-89 ACTUAL</b>
<b>Special Appropriations</b>			
	Remuneration Tribunals Act 1973		
236,411	Holders of Public Office: <sup>1</sup>	21	Nil
	Human Rights Commissioner Privacy Commissioner <sup>2</sup> Race Discrimination Commissioner Sex Discrimination Commissioner		
<u>236,411</u>	<b>Total Expenditure from Special Appropriations</b>		Nil
<b>Annual Appropriations</b>			
	Appropriation Act No 1	2.1	3,931,000)
3,742,050	Appropriation Act No 3	2.1	655,000)
1,197,010	Appropriation Act No 2	2.1	1,469,000
	Appropriation Act No 4		Nil
			Nil
4,939,060	<b>Total Expenditure from Annual Appropriations</b>		<u>6,055,000</u>
<u>5,175,471</u>	<b>Total Expenditure from CRF</b>		<u><u>5,614,215</u></u>

*1 In 1987-88 expenditure from Special Appropriations was incurred for the Holders of Public Office. In 1988-89 this expenditure is included in the Annual Appropriations.*

*2 As from 1 January 1989.*

*Refer to Program Statement (This information has not been subject to audit).*

### Details of Expenditure from Annual Appropriations

1987-88 EXPENDITURE	SUB- PROGRAM	1988-89 APPROPRIATION	1988-89 ACTUAL
<b>Appropriation Acts Nos 1 and 3</b>			
	<u>Division 177.1</u>		
	Running Costs		4,586,000
1,521,981	Salaries and Payment in the Nature of Salary	2.1	2,125,301
2,220,069	Administrative Expenses	2.1	2,405,344
<u>3,742,050</u>	<u>4,586,000</u>		<u>4,530,645</u>
<b>Appropriation Acts Nos 2 and 4</b>			
	<u>Division 818.1</u>		
	Acquisitions, Buildings, Works, Plant and Equipment		
97,010	03 Plant and Equipment	2.1	34,950
	<u>Division 819</u>		
	Payment to or for the States and the Northern Territory		
1,100,000	03 Payment under co-operative arrangements with the States	2.1	<u>1,048,620</u>
1,197,010	1,469,000		1,083,570

*Refer to Program Statement (This information has not been subject to audit).*

**Human Rights and Equal Opportunity Commission  
Program Summary  
for the Year Ended 30 June 1989**

This statement shows the outlays for each program administered by the Office and reconciles the Office's total outlays to total expenditure from appropriations. 'Expenditure' refers to the actual amount of resources consumed by a program whereas 'outlays' refers to the 'net' amount of resources consumed, after offsetting associated receipt and other items (if appropriate).

The Statement also reconciles the total receipts classified as revenue (ie receipts not offset within outlays or classified as financing transactions) for each program, with 'Receipts to CRF'.

This Statement has not been subject to audit.

<b>1987-88 Actual 8'000</b>		<b>1988-89 Budget 8'000</b>	<b>1988-89 Actual \$'000</b>
<b>Expenditure</b>			
Outlays			
733	1. Human Rights	788	743
657	2. Race Discrimination	795	759
846	3. Sex Discrimination	923	913
Nil	4. Privacy	Nil	669
1,799	5. Corporate Services	1,475	1,409
1,100	6. Co-operative Arrangements	1,419	1,049
5 135	<b>Total Outlays</b>	5 400	5 542
Plus receipts offset within outlays			
Nil	1. Human Rights	Nil	37
Nil	2. Race Discrimination	Nil	35
Nil		Nil	72
5,135	<b>Total Expenditure from Appropriations</b>	5,400	5 614

**Human Rights and Equal Opportunity Commission  
Program Statement  
for the Year Ended 30 June 1989**

This Statement shows details of expenditure from annual appropriations for each program administered by the Office. Partial allocations of appropriation items to sub-programs are indicated by (13') following the item.

This Statement has not been subject to audit.

<b>1987-88 Actual \$'000</b>	<b>Notes</b>	<b>1988-89 Budget \$'000</b>	<b>1988-89 Actual \$'000</b>
<b>1. Human Rights</b>			
Running Costs (177.1) (p)			
383	Salaries and Related Exp	382	373
362	Administrative Expenses	406	407
Capital Costs (818.1) (p)			
28	Plant & Equipment and Minor Works	Nil	Nil
773	Expenditure from Appropriations	788	780
Less receipts offset within			
Nil	outlays	Nil	37
773	Outlays	788	743
<b>2. Race Discrimination</b>			
Running Costs (177.1) (p)			
298	Salaries and Related Exp	380	333
334	Administrative Expenses	415	461
Capital Costs (810.1) (p)			
25	Plant & Equipment and Minor Works	Nil	Nil
657	Expenditure from Appropriations	795	794
Less receipts offset within			
Nil	outlays	Nil	35
<u>657</u>	Outlays	795	759

**Program Statement (cont)**

<b>1987-88 Actual \$'000</b>	<b>Notes</b>	<b>1988-89 Budget \$'000</b>	<b>1988-89 Actual \$'000</b>
	<b>3. Sex Discrimination</b>		
	Running Costs (177.1) (p)		
478	Salaries and Related Exp	531	525
336	Administrative Expenses	392	388
	Capital Costs (818.1) (p)		
32	Plant & Equipment and Minor Works	Nil	Nil
846	<b>Expenditure from Appropriations</b>	923	913
846	<b>Outlays</b>	<u>923</u>	913
	<b>4. Privacy*</b>		
	Running costs (177.1) (p)		
Nil	Salaries and Related Exp	Nil	243
Nil	Administrative Expenses	Nil	426
	Capital Costs (818.1) (p)		
Nil	Plant & Equipment and Minor Works	Nil	Nil
Nil	<b>Expenditure from Appropriations</b>	Nil	669
Nil	<b>Outlays</b>	Nil	669

*The Privacy Act was established on 1 January 1989.*

**Program Statement (cont)**

<b>1987-88 Actual 6'000</b>	<b>Notes</b>	<b>1988-89 Budget V000</b>	<b>1988-89 Actual \$'000</b>
<b>5. Corporate Services</b>			
Running Costs (177.1) (p)			
490	Salaries and Related Expenses	587	551
1,297	Administrative Expenses	853	823
Capital Costs (818.1) (p)			
12	Plant and Equipment and Minor Works	35	35
<b>1,799</b>	<b>Expenditure from Appropriations</b>	<b>1 475</b>	<b>1,409</b>
<u>1 799</u>	<b>Outlays</b>	<u>1 475</u>	<u>1 409</u>
<b>6. Co-operative Arrangements</b>			
1,100	Payments to the States (819.0)	1,419	1,049
<b>1,100</b>	<b>Expenditure from Appropriations</b>	<b>1,419</b>	<b>1,049</b>
<u>1,100</u>	<b>Outlays</b>	<u>1,419</u>	<u>1,049</u>

**Human Rights and Equal Opportunity Commission  
Statement of Supplementary Financial Information  
as at 30 June 1989**

This Statement has not been subject to audit.

	<b>Notes</b>	<b>1988-89 \$'000</b>
<b>Non-Current Assets</b>		
Computer & Office Equipment		72
Plant & Equipment		290
Furniture and Fittings		301
<b>Current Liabilities</b>		
Creditors	2	52

# Notes to the Financial Statements for the Year Ended 30 June 1989

## Note 1

### Statement of Significant Accounting Policies

(a) The financial statements have been prepared in accordance with the 'Financial Statements Guidelines for Departmental Secretaries' issued by the Minister for Finance.

(b)(i) The financial statements have been prepared on a cash basis with the exception of the Statement of Supplementary Financial Information which includes certain accrual-type information.

(b) (ii) The financial statements have been prepared in accordance with the historical cost convention and do not take account of changing money values or, except where stated, current values of non-current assets.

(c) Amounts shown in the Aggregate Statement of Transactions By Fund and the Detailed Statement of Transactions by Fund have been rounded to the nearest \$1; other amounts have been rounded to the nearest \$1000.

(d) Non-current assets are valued at cost of acquisition. Minor assets having a unit cost less than \$1000 have not been accounted for in the Statement of Supplementary Information.

(e) Inventories held as consumable stores are brought to account in the Statement of Supplementary Financial Information if the individual item value exceeds \$1000.

(f) Salaries, wages and related benefits payable to officers and employees of the Department have not been accounted for in the balance of creditors in the Statement of Supplementary Financial Information.

## Note 2

### Forward Obligations

The Commission has entered into the following forward obligations as at 30 June which are payable as follows:

Item	Not later than one year	Total
Plant and Equipment	\$28,000	\$28,000

## Note 3

### Creditors

#### Trade Creditors

Of the total amount \$52 456 as at 30 June the following amounts were overdue for —

Less than 30 days	47
30-60 days	5
More than 60 days	Nil

## Note 4

### Act of Grace Payments

No payments were made during the financial year 1988-89 pursuant to authorisation given under section 34A of the Audit Act 1901.

## Note 5

### Waiver of Rights to Payment of Moneys

No payments were waived during the financial year 1988/89 under subsection 70C(2) of the Audit Act 1901.

## Note 6

### Amounts Written Off

No amounts were written off during the financial year 1988/89 under subsection 70C(1) of the Audit Act 1901.

## Note 7

### Losses and Deficiencies, etc, in Public Moneys and Other Property

There were no losses or deficiencies recorded during the financial year 1988-89 under Part XII of the Audit Act 1901.

## Note 8

### Resources Received Free of Charge

During the 1988-89 financial year, a number of Commonwealth Departments and agencies provided services to the Office without charge. Expenditures for the services were met from those Departments' appropriations. The major services received include the following:

- *Attorney-General's Department:* The arrangement and processing of payment of salaries and related expenses to the Commission staff including the final processing of claims for general administrative expenses.
- *Australian Audit Office:* External audit of the Commission's 1988-89 Financial Statements.

- *Department of Finance*: The provision of training services not able to be provided within the Office and the provision of accounting and budgetary services in the form of the computerised finance ledger and payroll services.
- *Australian Protective Service*: The provision of Security Services.

The Commission has not entered into any formal obligations.

## Glossary of Terms

**Act of Grace Payments**: Section 34A of the Audit Act 1901 provides that, in special circumstances, the Commonwealth may pay an amount to a person notwithstanding that the Commonwealth is not under any legal liability to do so.

**Administrative Expenses**: Includes not just expenditure on office based activities but all operational expenditure (excluding salaries). The item includes both direct costs and overhead expenditure: it includes, inter alia, minor capital expenditure which is considered part of ordinary annual services; it does not include, inter alia, major capital expenditure, grants, loans or subsidies.

**Annual Appropriations**: Acts which appropriate moneys for expenditure in relation to the Government's activities during the financial year. Such appropriations lapse on 30 June.

**Appropriation**: Authorisation by Parliament to expend public moneys from the Consolidated Revenue Fund or Loan Fund for a particular purpose, or the amounts so authorised. All expenditure (i.e. outflows of moneys) from the Commonwealth Public Account must be appropriated i.e. authorised by the Parliament. The authority for expenditure from individual trust accounts is provided under the Audit Act 1901 or an Act establishing the trust account and specifying its purposes. See also 'Annual Appropriations' and 'Special Appropriations'.

**Appropriation Act (No 1)**: An Act to appropriate moneys from the Consolidated Revenue Fund for the ordinary annual services of Government.

**Appropriation Act (No 2)**: An Act to appropriate moneys from the Consolidated Revenue Fund for other than ordinary annual services. Under existing arrangements between the two Houses of Parliament this Act includes appropriations in respect of new policies (apart from those funded under Special Appropriations), capital works and services, plant and equipment and payments to the States and the Northern Territory.

**Appropriation Act (Nos 3 and 4)**: Where an amount provided in an Appropriation Act (No 1 or 2) is insufficient to meet approved obligations falling due in a financial year, additional appropriation may be provided in a further Appropriation Act (No 3 or No 4). Appropriations may also be provided in these Acts for new expenditure proposals.

**Audit Act 1901**: The principal legislation governing the collection, payment and reporting of public moneys, the audit of the Public Accounts and the protection and recovery of public property. Finance Regulations and Directions are made pursuant to the Act.

**Commonwealth Public Account (CPA)**: The main bank account of the Commonwealth, maintained at the Reserve Bank in which are held the moneys of the Consolidated Revenue Fund, Loan Fund and Trust Fund (other than the National Debt Sinking Fund).

**Consolidated Revenue Fund (CRF); Loan Fund; Trust Fund**: The three Funds comprise the Commonwealth Public Account (CPA).

CRF: The principal working fund of the Commonwealth mainly financed by taxation, fees and other current receipts. The Constitution requires an appropriation of moneys by the Parliament before any expenditure can be made from the CRF. These follow two forms:

- annual appropriations consisting of Supply Acts (nos 1 and 2), the Supply (Parliamentary Departments) Act, the Appropriation Acts (Nos 1-4) and the Appropriation (Parliamentary Departments) Acts (Nos 1 and 2) (the Supply Acts relate to the first five months of the financial year and are subsumed by the corresponding Appropriation Acts); and
- special or standing appropriations.

Loan Fund: Authority for its establishment comes from the Audit Act. All moneys raised by loan on the public credit of the Commonwealth are credited to the Loan Fund. Expenditures from the Loan Fund require an appropriation by Parliament and are limited to the purpose(s) for which moneys were originally raised as specified.

Trust Fund: Essentially comprises trustee funds (termed 'Heads of Trust') established under s.60 of the Audit Act (i.e. moneys held in trust for the benefit of persons or bodies other than the Commonwealth); trust accounts established under s.62A of the Audit Act (i.e. working accounts covering certain government agencies and certain other accounts in the nature of 'suspense accounts'); and trust accounts established under other Acts to meet future expenditure.

Payments into the Trust Fund may be by way of appropriation from the CRF or Loan Fund or direct credit of private moneys. Expenditure from the Trust Fund is appropriated for (and limited to) the specific purposes of each trust account, or head of trust, by the Audit Act or the Act establishing the trust account or head of trust. Unlike the used portion of annual appropriations, trust account balances — as with 'special' or 'standing' appropriations — do not lapse at the end of the financial year.

Legal advice is to the effect that investments, and the liquidation of those investments, involve 'expenditure' and 'receipts' for the purposes of subsection 50(2) of the Audit Act and that the balances of the Trust Fund should be reduced by the amount of investments outstanding at 30 June. In the interests of informative reporting, the financial statements have been designed so as to include explicit investment information. In particular, information concerning expenditure and receipts has been split as between investment and non-investment activities so as to provide 'notional' balances taking into account the value of the investments, and a 'cash' balance after account is taken of investment transactions.

Expenditure: The total or gross amount of money spent by the Government on any or all of its activities (i.e. the total outflow of moneys from the Commonwealth Public Account) (cf 'Outlays'). All expenditure must be appropriated ie authorised by the Parliament, (see also 'Appropriations'). Every expenditure item is classified to one of the economic concepts of outlays, revenue (i.e. offset within revenue) or financial transactions.

Financing Transactions: Relate to the raising and repayment of loan principal or transactions involving financial assets or liabilities (e.g. changes in investments or holding of cash). They represent the difference between outlays and revenue and hence involve the investment of Budget surpluses of the financing of Budget deficits. As such they are referred to as 'below the line' transactions. See also 'Appropriations classified as financing transactions'.

Forward Obligations: Obligations existing at 30 June which create or are intended to create a legal liability on the Commonwealth to provide funds in future years and which have not been exempted from the forward obligation system. In special circumstances, arrangements which do not create a legal liability, but which require forward obligations cover for effective program management, may also be included in the forward obligations system, e.g. memoranda of

understanding with other Governments and foreign aid arrangements. The following items are exempted from the forward obligations systems:

- all items classified in Appropriation Acts as Running Costs (i.e. salaries, administrative and operating expenses);
- those items for which payment is authorised by special legislation where the amount and timing of payments are specified or clearly dictated by eligibility criteria (i.e. most, but not all, Special Appropriations); and
- those items which have been exempted by the Minister for Finance as a result of specific case-by-case requests from departments.

Loan Fund: See 'Consolidated Revenue Fund'

Outlays: An economic concept which shows the net extent to which resources are directed through the Budget to other sectors of the economy after offsetting recoveries and repayments against relevant expenditure items ie outlays consist of expenditure net of associated receipt items. Outlays are 'above the line' transactions. The difference between outlays and revenue determines the Budget balance (i.e. surplus or deficit). See also 'Appropriations'; 'Appropriations classified as revenue'; 'Appropriations classified as financing transactions'; and 'Receipts offset within outlays'.

Receipts: The total or gross amount of moneys received by the Commonwealth (i.e. the Commonwealth Public Account). Every receipt item is classified to one of the economic concepts of revenue, outlays (i.e. offset within outlays) or financing transactions.

Receipts not offset within outlays: Receipts classified as 'revenue'. See also 'Revenue'.

Receipts offset within outlays: Refers to receipts which are netted against certain expenditure items because they are considered to be closely or functionally related to those items.

Revenue: Items classified as revenue are receipts which have not been offset within outlays or classified as financial transactions. The term 'revenue' is an economic concept which comprises the net amounts received from taxation interest, regulatory functions, investment holdings and government business undertakings. It excludes amounts received from the sale of government services or assets (these are offset within outlays) and amounts received from loan raised (these are classified as financing transactions). Some expenditure is offset within revenue e.g. refunds of PAYE instalments and the operating expenditure of budget sector business undertakings. See also 'Receipts'.

Special (Standing) Appropriation: Moneys appropriated by a specific Act of Parliament for a specific purpose ie unemployment benefits, grants to States for schools). They may or may not be for a specific amount of money or particular period of time. Special Appropriations do not require annual spending authorisation by the parliament as they do not lapse at the end of each financial year. A distinction is sometimes made between Standing and Special Appropriations. Standing Appropriations refer to an open-ended appropriation of the Consolidated Revenue Fund by the enabling Act of a legislatively-based program: the amount appropriated will depend on the demand for payments by claimants satisfying program eligibility criteria specified in the legislation. Special Appropriations can be regarded as somewhere between Standing and Annual Appropriations: while a specified amount is provided, it is included in a separate Bill authorising the particular program and can be specified for any number of years.

Trust Fund: See 'Consolidated Revenue Fund'.

# Appendix 4

## Summary of Reporting Requirements

Legislation	pp. 4-5
Responsible Minister	pp. 7-8
Functions and Objectives	pp. 4-5
Structure	pp. 5-6, and p.9
Staff	pp. 50-55
Financial Statements	pp. 47-49, and Appendix 3
Freedom of Information	pp. 59-60
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